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HOUSE FILE 2350
BY COMMITTEE ON APPROPRIATIONS

APPROPRIATIONS CALENDAR

Passed House, ^(p.854) Date 3/23/94 Passed Senate, ^(p.1197) Date 4/13/95
Vote: Ayes 67 Nays 31 Vote: Ayes 46 Nays 3
Approved May 12, 1994

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system for the fiscal year beginning July 1, 1994, and
3 providing effective dates.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2350

1 Section 1. DEPARTMENT OF JUSTICE. There is appropriated
2 from the general fund of the state to the department of
3 justice for the fiscal year beginning July 1, 1994, and ending
4 June 30, 1995, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 1. For the general office of attorney general for
7 salaries, support, maintenance, miscellaneous purposes
8 including odometer fraud enforcement, and for not more than
9 the following full-time equivalent positions:

10	\$	4,752,448
11	FTEs	169.00

12 2. Prosecuting attorney training program for salaries,
13 support, maintenance, miscellaneous purposes, and for not more
14 than the following full-time equivalent positions:

15	\$	113,326
16	FTEs	4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1994, and
19 ending June 30, 1995, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1994, and
27 ending June 30, 1995, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809.13, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

1 c. The prosecuting attorneys training coordinator shall
2 cooperate and consult with the judicial department, as
3 otherwise provided in this Act, to provide for the education
4 and training of prosecuting attorneys, as defined in section
5 13A.1, in implementing the recommendations of the equality in
6 the courts task force.

7 d. The prosecuting attorneys training program shall use a
8 portion of the funds appropriated in this subsection for
9 educating and training prosecuting attorneys, as defined in
10 section 13A.1, in alternative dispute resolution techniques.

11 3. In addition to the funds appropriated in subsection 1,
12 there is appropriated from the general fund of the state to
13 the department of justice for the fiscal year beginning July
14 1, 1994, and ending June 30, 1995, an amount not exceeding
15 \$200,000 to be used for the enforcement of the Iowa
16 competition law. The expenditure of the funds appropriated in
17 this subsection is contingent upon receipt by the general fund
18 of the state of an amount at least equal to either the
19 expenditures from damages awarded to the state or a political
20 subdivision of the state by a civil judgment under chapter
21 553, if the judgment authorizes the use of the award for
22 enforcement purposes or costs or attorneys fees awarded the
23 state in state or federal antitrust actions. However, if the
24 funds received as a result of these judgments are in excess of
25 \$200,000, the excess funds shall not be appropriated to the
26 department of justice pursuant to this subsection.

27 4. In addition to the funds appropriated in subsection 1,
28 there is appropriated from the general fund of the state to
29 the department of justice for the fiscal year beginning July
30 1, 1994, and ending June 30, 1995, an amount not exceeding
31 \$125,000 to be used for public education relating to consumer
32 fraud and for enforcement of section 714.16, and an amount not
33 exceeding \$75,000 for investigation, prosecution, and consumer
34 education relating to consumer and criminal fraud against
35 older Iowans. The expenditure of the funds appropriated in

1 this subsection is contingent upon receipt by the general fund
2 of the state of an amount at least equal to the expenditures
3 from damages awarded to the state or a political subdivision
4 of the state by a civil consumer fraud judgment or settlement,
5 if the judgment or settlement authorizes the use of the award
6 for public education on consumer fraud. However, if the funds
7 received as a result of these judgments and settlements are in
8 excess of \$200,000, the excess funds shall not be appropriated
9 to the department of justice pursuant to this subsection.

10 5. For victim assistance grants:

11 \$ 1,359,812

12 a. The funds appropriated in this subsection shall be used
13 to provide grants to care providers providing services to
14 crime victims of domestic abuse or to crime victims of rape
15 and sexual assault.

16 b. Notwithstanding section 8.33 or 8.39, any balance
17 remaining from the appropriation made pursuant to this
18 subsection shall not revert to the general fund of the state
19 but shall be available for expenditure during the subsequent
20 fiscal year for the same purpose, and shall not be transferred
21 to any other program.

22 6. For the GASA prosecuting attorney program and for not
23 more than the following full-time equivalent positions:

24 \$ 102,927

25 FTEs 3.00

26 7. The balance of the victim compensation fund established
27 under section 912.14 may be used to provide salary and support
28 of not more than 9.00 FTEs and to provide maintenance for the
29 victim compensation functions of the department of justice.

30 8. The department of justice shall submit monthly
31 financial statements to the legislative fiscal bureau and the
32 department of management containing all appropriated accounts
33 in the same manner as provided in the monthly financial status
34 reports and personal services usage reports of the department
35 of revenue and finance. The monthly financial statements

1 shall include comparisons of the moneys and percentage spent
2 of budgeted to actual revenues and expenditures on a
3 cumulative basis for full-time equivalent positions and
4 available moneys.

5 9. a. The department of justice, in submitting budget
6 estimates pursuant to section 8.23, shall include a report of
7 funding from sources other than amounts appropriated directly
8 from the general fund of the state to the department of
9 justice or to the office of consumer advocate. These funding
10 sources shall include, but are not limited to, reimbursements
11 from other state agencies, commissions, boards, or similar
12 entities, and reimbursements from special funds or internal
13 accounts within the department of justice. The department of
14 justice shall report actual reimbursements for the fiscal year
15 commencing July 1, 1993, and actual and expected
16 reimbursements for the fiscal year commencing July 1, 1994.

17 b. The department of justice shall include the report
18 required under paragraph "a", as well as information regarding
19 any revisions occurring as a result of reimbursements actually
20 received or expected at a later date, in a report to the co-
21 chairpersons and ranking members of the joint appropriations
22 subcommittee on the justice system and the legislative fiscal
23 bureau. The department of justice shall submit the report on
24 or before January 15, 1995.

25 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
26 appropriated from the general fund of the state to the office
27 of consumer advocate of the department of justice for the
28 fiscal year beginning July 1, 1994, and ending June 30, 1995,
29 the following amount, or so much thereof as is necessary, to
30 be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous purposes,
32 and for not more than the following full-time equivalent
33 positions:

34	\$	2,040,396
35	FTEs	32.00

1 Sec. 3. BOARD OF PAROLE. There is appropriated from the
2 general fund of the state to the board of parole for the
3 fiscal year beginning July 1, 1994, and ending June 30, 1995,
4 the following amount, or so much thereof as is necessary, to
5 be used for the purposes designated:

6 For salaries, support, maintenance, including maintenance
7 of an automated docket and the board's automated risk
8 assessment model, employment of two statistical research
9 analysts to assist with the application of the risk assessment
10 model in the parole decision-making process, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13	\$	778,747
14	FTEs	17.00

15 1. The board of parole shall require the board's
16 administrative staff to be cross-trained to assure that each
17 individual on that staff is familiar with all tasks performed
18 by the staff.

19 2. The department of corrections and the board of parole
20 shall review, and implement as necessary, the findings and
21 recommendations contained in the final report prepared by the
22 consultant and presented to the corrections system review task
23 force which was established by 1988 Iowa Acts, chapter 127I,
24 as they relate to the department of corrections and the board
25 of parole. The board shall submit a report to the co-
26 chairpersons of the joint appropriations subcommittee on the
27 justice system and the legislative fiscal bureau on or before
28 January 16, 1995, detailing steps taken to implement any of
29 the recommendations, and for those recommendations which have
30 not been implemented, specifying the reasons for failing to
31 implement the recommendations. The report shall include, but
32 is not limited to, copies of all reports submitted to the
33 legislative fiscal bureau pursuant to section 906.5,
34 subsection 2, for the fiscal year commencing July 1, 1994, as
35 well as details pertaining to other steps taken to implement

1 the recommendations contained in the fiscal report prepared by
2 the consultant for the corrections system review task force
3 pertaining to the early parole of nonviolent property
4 offenders.

5 3. The board of parole shall conduct a study of the parole
6 process to identify and eliminate bias in the parole system
7 based upon race, creed, color, sex, national origin, religion,
8 or disability. The board of parole shall report its findings
9 and recommendations to the co-chairpersons and ranking members
10 of the joint appropriations subcommittee on the justice system
11 and the legislative fiscal bureau on or before January 15,
12 1995.

13 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
14 appropriated from the general fund of the state to the
15 department of corrections for the fiscal year beginning July
16 1, 1994, and ending June 30, 1995, the following amounts, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 1. For the operation of adult correctional institutions,
20 to be allocated as follows:

21 a. For the operation of the Fort Madison correctional
22 facility, including salaries, support, maintenance, employment
23 of 310 correctional officers, miscellaneous purposes, and for
24 not more than the following full-time equivalent positions:
25 \$ 24,705,497
26 FTEs 490.50

27 b. For the operation of the Anamosa correctional facility,
28 including salaries, support, maintenance, employment of 211
29 correctional officers and a part-time chaplain to provide
30 religious counseling to inmates of a minority race,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:
33 \$ 18,498,730
34 FTEs 356.25

35 Moneys are provided within this appropriation for 2 full-

1 time substance abuse counselors for the Luster Heights
2 facility, for the purpose of certification of a substance
3 abuse program at that facility.

4 c. For the operation of the Oakdale correctional facility,
5 including salaries, support, maintenance, employment of 159
6 correctional officers, miscellaneous purposes, and for not
7 more than the following full-time equivalent positions:

8 \$ 15,478,173
9 FTEs 320.80

10 d. For the operation of the Newton correctional facility,
11 including salaries, support, maintenance, employment of 44
12 correctional officers, miscellaneous purposes, and for not
13 more than the following full-time equivalent positions:

14 \$ 5,293,526
15 FTEs 110.25

16 e. For the operation of the Mt. Pleasant correctional
17 facility, including salaries, support, maintenance, employment
18 of 141 correctional officers and a full-time chaplain to
19 provide religious counseling at the Oakdale and Mt. Pleasant
20 correctional facilities, miscellaneous purposes, and for not
21 more than the following full-time equivalent positions:

22 \$ 13,219,851
23 FTEs 258.92

24 f. For the operation of the Rockwell City correctional
25 facility, including salaries, support, maintenance, employment
26 of 58 correctional officers, miscellaneous purposes, and for
27 not more than the following full-time equivalent positions:

28 \$ 5,341,798
29 FTEs 112.00

30 g. For the operation of the Clarinda correctional
31 facility, including salaries, support, maintenance, employment
32 of 68 correctional officers, miscellaneous purposes, and for
33 not more than the following full-time equivalent positions:

34 \$ 6,308,034
35 FTEs 136.20

1 h. For the operation of the Mitchellville correctional
 2 facility, including salaries, support, maintenance, employment
 3 of 71.50 correctional officers, miscellaneous purposes, and
 4 for not more than the following full-time equivalent
 5 positions:

6	\$ 6,081,317
7	FTEs 133.00

8 The department of corrections shall analyze and compare
 9 policies and guidelines concerning inmates at the correctional
 10 facilities, and shall propose revisions to the general
 11 assembly as necessary to ensure that male and female inmates
 12 have comparable opportunities for education, vocational
 13 education, and treatment at the state correctional facilities.
 14 Where legislative action is not necessary to ensure comparable
 15 opportunities, the department shall take administrative action
 16 to implement the policies or guidelines needed to accomplish
 17 the comparable opportunities mandated by this paragraph. The
 18 department shall report the progress on the analysis and
 19 comparison of the policies and guidelines, and any changes
 20 made, to the co-chairpersons and ranking members of the joint
 21 appropriations subcommittee on the justice system and the
 22 legislative fiscal bureau on or before December 15, 1994.

23 2. The department of corrections shall provide a report to
 24 the co-chairpersons and ranking members of the joint
 25 appropriations subcommittee on the justice system and the
 26 joint appropriations subcommittee on education, the
 27 chairpersons and ranking members of the senate and house
 28 standing committees on education, and the legislative fiscal
 29 bureau on or before January 15, 1995, outlining the
 30 implementation of the centralized education program for the
 31 correctional system. The report shall include a listing of
 32 the educational institutions that are involved, the amount of
 33 any federal funds received for use with these programs, and
 34 any other pertinent information.

35 3. If the inmate tort claim fund for inmate claims of less

1 than \$50 is exhausted during the fiscal year, sufficient funds
2 shall be transferred from the institutional budgets to pay
3 approved tort claims for the balance of the fiscal year. The
4 warden or superintendent of each institution or correctional
5 facility shall designate an employee to receive, investigate,
6 and recommend whether to pay any properly filed inmate tort
7 claim for less than the above amount. The designee's
8 recommendation shall be approved or denied by the warden or
9 superintendent and forwarded to the department of corrections
10 for final approval and payment. The amounts appropriated to
11 this fund pursuant to 1987 Iowa Acts, chapter 234, section
12 304, subsection 2, are not subject to reversion under section
13 8.33.

14 Tort claims denied at the institution shall be forwarded to
15 the state appeal board for their consideration as if
16 originally filed with that body. This procedure shall be used
17 in lieu of chapter 669 for inmate tort claims of less than
18 \$50.

19 4. The department of corrections shall submit a plan to
20 the general assembly prior to January 1, 1995, to establish in
21 the institutions a mandatory literacy requirement for all
22 inmates. The plan shall include the following:

- 23 a. Statistics indicating the current reading and education
24 levels of the average inmate.
- 25 b. The funding and number of years necessary for
26 implementation.
- 27 c. The feasibility of mandating participation and the need
28 for exemptions.
- 29 d. The availability of sanctions and incentives.
- 30 e. The special education services for inmates under the
31 age of twenty-one.
- 32 f. The continuation of educational programming after
33 release.

34 5. The department of corrections, in consultation and
35 cooperation with the judicial district departments of

1 correctional services, board of parole, division of criminal
2 and juvenile justice planning of the department of human
3 rights, and any other applicable state agencies, shall provide
4 a report detailing the steps taken to implement the reports of
5 the consultants retained by the corrections system review task
6 force established by 1988 Iowa Acts, chapter 1271, section 14.
7 The department shall provide the report to the co-chairpersons
8 and ranking members of the joint appropriations subcommittee
9 on the justice system and the legislative fiscal bureau, on or
10 before January 15, 1995.

11 6. a. The general assembly declares that the lease of a
12 medium security correctional facility with 750 beds, to be
13 built on state-owned, unimproved real property located near
14 the state mental health institute at Clarinda, serves the
15 public purpose and is an essential governmental function which
16 will promote the general welfare of the citizens of the state
17 of Iowa.

18 b. Notwithstanding any other provision of law to the
19 contrary or any provision providing for an alternative or
20 independent method of establishing a correctional facility,
21 the department of corrections may establish a correctional
22 facility pursuant to this subsection. The department of human
23 services may lease unimproved real property located near the
24 state mental health institute at Clarinda to a person or
25 entity that is leasing the property for the purpose of
26 constructing a 750-bed, medium security correctional facility.
27 The department of corrections may enter into a lease or lease-
28 purchase agreement, to lease the newly constructed
29 correctional facility from the person or entity leasing the
30 real property from the department of human services.
31 Notwithstanding any other provision of law to the contrary, a
32 party to a lease or lease-purchase agreement entered into
33 pursuant to this subsection shall not be required to publish
34 any notice or proceed with any other or further proceedings
35 with respect to the lease or lease-purchase agreement, except

1 as otherwise provided in this subsection. Any lease entered
2 into in accordance with this subsection shall specify the
3 duration of the lease and any possible extensions, as well as
4 whether a purchase option is included. The department of
5 corrections may enter into a lease agreement pursuant to this
6 subsection for an original term of one year, or for an
7 original term of a different duration. However, if the
8 original term is for one year, the lease agreement shall
9 provide automatic one-year extensions of the term, and such
10 automatic extensions shall occur unless legislation is enacted
11 prior to the expiration of the original term or the applicable
12 extension which directs the department of corrections to
13 terminate the lease.

14 7. The department of corrections shall issue a request for
15 proposals for the expansion of an existing correctional
16 facility for men, which would provide for 250 additional beds
17 for male inmates, with a security designation that is more
18 restrictive than the current maximum security level, and which
19 would only be constructed if a proposal is accepted. The
20 department of corrections shall issue the request for
21 proposals in such a manner that responses are due on or before
22 January 1, 1995. However, the department of corrections shall
23 not accept a proposal without specific authorization through
24 the enactment of legislation to fund the proposal. The
25 department of corrections shall submit a report to the co-
26 chairpersons and ranking members of the joint appropriations
27 subcommittee on the justice system and the legislative fiscal
28 bureau on or before January 15, 1995, detailing the progress
29 to date concerning the competitive bidding process required by
30 this subsection.

31 8. The department of corrections shall issue requests for
32 proposals for the construction of correctional facilities,
33 which would provide two additional 750-bed correctional
34 facilities for men if the proposals are accepted. The
35 department of corrections shall specify the security

1 designations for the facilities in the requests for proposals.
2 The requests for proposals shall include but are not limited
3 to proposals for the expansion of existing correctional
4 facilities for men. The department of corrections shall issue
5 the requests for proposals in such a manner that responses are
6 due on or before January 1, 1995. However, the department of
7 corrections shall not accept a proposal without specific
8 authorization through the enactment of legislation to fund the
9 proposal. The department of corrections shall submit a report
10 to the co-chairpersons and ranking members of the joint
11 appropriations subcommittee on the justice system and the
12 legislative fiscal bureau on or before January 15, 1995,
13 detailing the progress to date concerning the competitive
14 bidding process required by this subsection.

15 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

16 There is appropriated from the general fund of the state to
17 the department of corrections for the fiscal year beginning
18 July 1, 1994, and ending June 30, 1995, the following amounts,
19 or so much thereof as is necessary, to be used for the
20 purposes designated:

- 21 1. For general administration, including salaries,
- 22 support, maintenance, employment of an education director and
- 23 clerk to administer a centralized education program for the
- 24 correctional system, miscellaneous purposes, and for not more
- 25 than the following full-time equivalent positions:
- 26 \$ 2,223,408
- 27 FTEs 38.52

28 The department shall monitor the use of the classification
29 model by the judicial district departments of correctional
30 services and has the authority to override a district
31 department's decision regarding classification of community-
32 based clients. The department shall notify a district
33 department of the reasons for the override.

34 2. For reimbursement of counties for temporary confinement
35 of work release and parole violators, as provided in sections

1 901.7, 904.908, and 906.17 and for offenders confined pursuant
2 to section 904.513:

3 \$ 237,038

4 3. For federal prison reimbursement, reimbursements for
5 out-of-state placements, and miscellaneous contracts:

6 \$ 341,334

7 The department of corrections shall use funds appropriated
8 by this subsection to continue to contract for the services of
9 a Muslim imam.

10 4. For salaries, support, maintenance, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions at the correctional training center at
13 Mt. Pleasant:

14 \$ 381,095

15 FTEs 7.16

16 5. For annual payment relating to the financial
17 arrangement for the construction of expansion in prison
18 capacity as provided in 1989 Iowa Acts, chapter 316, section
19 7, subsection 6:

20 \$ 625,860

21 6. For annual payment relating to the financial
22 arrangement for the construction of expansion in prison
23 capacity as provided in 1990 Iowa Acts, chapter 1257, section
24 24:

25 \$ 3,186,995

26 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
27 SERVICES.

28 1. There is appropriated from the general fund of the
29 state to the department of corrections for the fiscal year
30 beginning July 1, 1994, and ending June 30, 1995, the
31 following amounts, or so much thereof as is necessary, to be
32 allocated as follows:

33 a. For the first judicial district department of
34 correctional services, including the treatment and supervision
35 of probation and parole violators who have been released from

1 the department of corrections violator program, the following
2 amount, or so much thereof as is necessary:

3 \$ 6,226,704

4 (1) The district department shall continue the intensive
5 supervision program established within the district in 1988
6 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
7 "a", and the sex offender treatment program established within
8 the district in 1989 Iowa Acts, chapter 316, section 8,
9 subsection 1, paragraph "a".

10 (2) The district department, in cooperation with the chief
11 judge of the judicial district, shall continue the
12 implementation of a plan to divert low-risk offenders to the
13 least restrictive sanction available.

14 b. For the second judicial district department of
15 correctional services, including the treatment and supervision
16 of probation and parole violators who have been released from
17 the department of corrections violator program, the following
18 amount, or so much thereof as is necessary:

19 \$ 4,791,293

20 (1) The district department shall continue the sex
21 offender treatment program established within the district in
22 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
23 paragraph "b".

24 (2) The district department, in cooperation with the chief
25 judge of the judicial district, shall continue the
26 implementation of a plan to divert low-risk offenders to the
27 least restrictive sanction available.

28 c. For the third judicial district department of
29 correctional services, including the treatment and supervision
30 of probation and parole violators who have been released from
31 the department of corrections violator program, the following
32 amount, or so much thereof as is necessary:

33 \$ 3,114,437

34 (1) The district department shall continue the sex
35 offender treatment program established within the district in

1 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
2 paragraph "c", and the intensive supervision program
3 established within the district in 1990 Iowa Acts, chapter
4 1268, section 6, subsection 3, paragraph "d".

5 (2) The district department, in cooperation with the chief
6 judge of the judicial district, shall continue the
7 implementation of a plan to divert low-risk offenders to the
8 least restrictive sanction available.

9 d. For the fourth judicial district department of
10 correctional services, including the treatment and supervision
11 of probation and parole violators who have been released from
12 the department of corrections violator program, the following
13 amount, or so much thereof as is necessary:

14 \$ 2,316,208

15 (1) The district department shall continue the sex
16 offender treatment program established within the district in
17 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
18 paragraph "d".

19 (2) The district department, in cooperation with the chief
20 judge of the judicial district, shall continue the
21 implementation of a plan to divert low-risk offenders to the
22 least restrictive sanction available.

23 e. For the fifth judicial district department of
24 correctional services, including the treatment and supervision
25 of probation and parole violators who have been released from
26 the department of corrections violator program, the following
27 amount, or so much thereof as is necessary:

28 \$ 8,401,666

29 (1) The district department shall continue the intensive
30 supervision program established within the district in 1988
31 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
32 "e", and shall continue to provide for the rental of
33 electronic monitoring equipment.

34 (2) The district department, in cooperation with the chief
35 judge of the judicial district, shall continue the

1 implementation of a plan to divert low-risk offenders to the
2 least restrictive sanction available.

3 f. For the sixth judicial district department of
4 correctional services, including the treatment and supervision
5 of probation and parole violators who have been released from
6 the department of corrections violator program, the following
7 amount, or so much thereof as is necessary:

8 \$ 6,279,190

9 (1) The district department shall continue the intensive
10 supervision program established within the district in 1988
11 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
12 "f", and the sex offender treatment program established within
13 the district in 1989 Iowa Acts, chapter 316, section 8,
14 subsection 1, paragraph "f".

15 (2) The district department, in cooperation with the chief
16 judge of the judicial district, shall continue the
17 implementation of a plan to divert low-risk offenders to the
18 least restrictive sanction available.

19 (3) The district department shall continue the
20 implementation of a plan providing for the expanded use of
21 intermediate criminal sanctions, as provided in 1993 Iowa
22 Acts, chapter 171, section 6, subsection 1, paragraph "f",
23 subparagraph (3).

24 (4) Of the funds appropriated in this paragraph, the
25 district department shall use not more than \$40,000, to
26 provide for financial arrangements, including entering a
27 lease-purchase agreement, for the relocation of the Cedar
28 Rapids community corrections center.

29 g. For the seventh judicial district department of
30 correctional services, including the treatment and supervision
31 of probation and parole violators who have been released from
32 the department of corrections violator program, the following
33 amount, or so much thereof as is necessary:

34 \$ 4,229,668

35 (1) The district department shall continue the intensive

1 supervision program established within the district in 1988
2 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
3 "g", and shall continue the sex offender treatment program
4 established within the district in 1989 Iowa Acts, chapter
5 316, section 8, subsection 1, paragraph "g".

6 (2) The district department shall continue the job
7 development program established within the district in 1990
8 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
9 "e".

10 (3) The district department, in cooperation with the chief
11 judge of the judicial district, shall continue the
12 implementation of a plan to divert low-risk offenders to the
13 least restrictive sanction available.

14 h. For the eighth judicial district department of
15 correctional services, including the treatment and supervision
16 of probation and parole violators who have been released from
17 the department of corrections violator program, the following
18 amount, or so much thereof as is necessary:

19 \$ 3,627,205

20 (1) The district department shall continue the intensive
21 supervision program established within the district in 1988
22 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
23 "h", and shall continue the sex offender treatment program
24 established within the district in 1989 Iowa Acts, chapter
25 316, section 8, subsection 1, paragraph "h".

26 (2) The district department, in cooperation with the chief
27 judge of the judicial district, shall continue the
28 implementation of a plan to divert low-risk offenders to the
29 least restrictive sanction available.

30 i. For the department of corrections for the assistance
31 and support of each judicial district department of
32 correctional services, the following amount, or so much
33 thereof as is necessary:

34 \$ 85,817

35 2. The department of corrections shall continue the OWI

1 facilities established in 1986 Iowa Acts, chapter 1246,
2 section 402, in compliance with the conditions specified in
3 that section.

4 3. The department of corrections shall continue to
5 contract with a judicial district department of correctional
6 services to provide for the rental of electronic monitoring
7 equipment which shall be available statewide.

8 4. Each judicial district department of correctional
9 services and the department of corrections shall continue the
10 treatment alternatives to street crime programs established in
11 1989 Iowa Acts, chapter 225, section 9.

12 5. The first, sixth, and eighth judicial district
13 departments of correctional services and the department of
14 corrections shall continue the job training and development
15 grant programs established in 1989 Iowa Acts, chapter 316,
16 section 7, subsection 2.

17 6. The department of corrections shall not make an
18 intradepartmental transfer of moneys appropriated to the
19 department, unless notice of the intradepartmental transfer is
20 given prior to its effective date to the legislative fiscal
21 bureau. The notice shall include information on the
22 department's rationale for making the transfer and details
23 concerning the work load and performance measures upon which
24 the transfers are based.

25 7. The governor's alliance on substance abuse shall
26 consider federal grants made to the department of corrections
27 for the benefit of each of the eight judicial district
28 departments of correctional services as local government
29 grants, as defined pursuant to federal regulations.

30 8. Each judicial district department of correctional
31 services shall provide a report concerning the treatment and
32 supervision of probation and parole violators who have been
33 released from the department of corrections violator program,
34 to the co-chairpersons and ranking members of the joint
35 appropriations subcommittee on the justice system and the

1 legislative fiscal bureau, on or before January 15, 1995.

2 9. It is the intent of the general assembly that each
3 judicial district department of correctional services shall
4 operate the community-based correctional facilities in a
5 manner which provides for a residential population of at least
6 110 percent of the design capacity of the facility.

7 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
8 the general fund of the state to the judicial department for
9 the fiscal year beginning July 1, 1994, and ending June 30,
10 1995, the following amounts, or so much thereof as is
11 necessary, to be used for the purposes designated:

12 1. For salaries of supreme court justices, appellate court
13 judges, district court judges, district associate judges,
14 judicial magistrates and staff, state court administrator,
15 clerk of the supreme court, district court administrators,
16 clerks of the district court, trial court supervisors, trial
17 court technicians II, financial supervisors I and II, juvenile
18 court officers, board of law examiners and board of examiners
19 of shorthand reporters and judicial qualifications commission,
20 receipt and disbursement of child support payments,
21 reimbursement of the auditor of state for expenses incurred in
22 completing audits of the offices of the clerks of the district
23 court during the fiscal year beginning July 1, 1994, and
24 maintenance, equipment, and miscellaneous purposes:

25 \$ 81,470,924

26 a. The judicial department, except for purposes of
27 internal processing, shall use the current state budget
28 system, the state payroll system, and the Iowa finance and
29 accounting system in administration of programs and payments
30 for services, and shall not duplicate the state payroll,
31 accounting, and budgeting systems.

32 b. The judicial department shall submit monthly financial
33 statements to the legislative fiscal bureau and the department
34 of management containing all appropriated accounts in the same
35 manner as provided in the monthly financial status reports and

1 personal services usage reports of the department of revenue
2 and finance. The monthly financial statements shall include a
3 comparison of the dollars and percentage spent of budgeted
4 versus actual revenues and expenditures on a cumulative basis
5 for full-time equivalent positions and dollars.

6 c. It is the intent of the general assembly that counties
7 installing new telephone systems shall provide those systems
8 to all judicial department offices within the county at no
9 cost.

10 d. Of the funds appropriated in this subsection, not more
11 than \$1,897,728 may be transferred into the revolving fund
12 established pursuant to section 602.1302, subsection 3, to be
13 used for the payment of jury and witness fees and mileage.

14 e. The judicial department shall use not more than
15 \$150,000 of the funds appropriated in this subsection for
16 educational purposes in implementing the recommendations of
17 the equality in the courts task force. The judicial
18 department, in cooperation and consultation with the
19 prosecuting attorneys training coordinator, shall use the
20 funds so appropriated for the education and training of
21 employees of the judicial department and prosecuting
22 attorneys, as defined in section 13A.1.

23 f. Of the funds appropriated in this subsection, the
24 judicial department shall use not more than \$50,000 for the
25 purchase of critically needed equipment and furniture.

26 g. Of the funds appropriated in this subsection, the
27 judicial department shall use not more than \$1,150,000 for
28 increasing the existing capacity of the Iowa court information
29 system by extending the system into additional counties.
30 However, the funds shall not be used to expand the
31 applications of the system for purposes other than those for
32 which the system is currently used, and the judicial
33 department shall focus efforts in utilizing the funds referred
34 to in this paragraph upon the collection of delinquent fines,
35 penalties, court costs, fees, surcharges, or similar amounts.

1 The judicial department shall investigate the most efficient
2 way to complete the expansion of the department's entire
3 communication and information management system, and include
4 this information in a report to be submitted to the co-
5 chairpersons and ranking members of the joint appropriations
6 subcommittee on the justice system and the legislative fiscal
7 bureau, on or before January 15, 1995.

8 h. It is the intent of the general assembly that the
9 offices of the clerks of the district court operate in all
10 ninety-nine counties and be accessible to the public as much
11 as is reasonably possible in order to address the relative
12 needs of the citizens of each county.

13 i. The judicial department shall report to the co-
14 chairpersons and ranking members of the joint appropriations
15 subcommittee on the justice system by February 1, 1995,
16 concerning an evaluation of the needs of the court system,
17 particularly resources necessary to meet the increasing
18 demands on the courts. The report shall also identify
19 legislative changes which would reduce or alleviate the
20 workload of the courts.

21 j. The judicial department shall use a portion of the
22 funds appropriated in this subsection for educating and
23 training the appropriate court personnel in alternative
24 dispute resolution techniques.

25 2. For the juvenile victim restitution program:
26 \$ 131,663

27 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
28 appropriated from the general fund of the state to the
29 judicial department for the fiscal year beginning July 1,
30 1994, and ending June 30, 1995, the following amount, or so
31 much thereof as is necessary, to be used for the purpose
32 designated:

33 For the Iowa court information system:
34 \$ 857,500

35 1. The judicial department shall not change the

1 appropriations from the amounts appropriated in this section,
2 unless notice of the revisions is given prior to their
3 effective date to the legislative fiscal bureau. The notice
4 shall include information on the department's rationale for
5 making the changes and details concerning the work load and
6 performance measures upon which the changes are based.

7 2. The judicial department shall provide a report
8 semiannually to the co-chairpersons and ranking members of the
9 joint appropriations subcommittee on the justice system and
10 the legislative fiscal bureau specifying the amounts of fines,
11 surcharges, and court costs collected using the Iowa court
12 information system. The report shall demonstrate and specify
13 how the Iowa court information system is used to improve the
14 collection process. The report shall also compare fines,
15 surcharges, and court costs collected in selected counties
16 which are using an automated system versus the amounts
17 collected in at least three counties which are not using an
18 automated system.

19 Sec. 9. JUDICIAL RETIREMENT FUND. There is appropriated
20 from the general fund of the state to the judicial retirement
21 fund for the fiscal year beginning July 1, 1994, and ending
22 June 30, 1995, the following amount, or so much thereof as is
23 necessary, to be used for the purpose designated:

24 For the state's contribution to the judicial retirement
25 fund established in section 602.9104, in the amount of 23.7
26 percent of the basic salaries of the judges covered under
27 chapter 602, article 9:

28 \$ 3,150,915

29 Sec. 10. AUTOMATED DATA SYSTEM. The department of
30 corrections, judicial district departments of correctional
31 services, board of parole, and the judicial department shall
32 continue to develop an automated data system for use in the
33 sharing of information between the department of corrections,
34 judicial district departments of correctional services, board
35 of parole, and the judicial department. The information to be

1 shared shall concern any individual who may, as the result of
2 an arrest or infraction of any law, be subject to the
3 jurisdiction of the department of corrections, judicial
4 district departments of correctional services, or board of
5 parole. The department of corrections, in consultation and
6 cooperation with the judicial district departments of
7 correctional services, the board of parole, and the judicial
8 department, shall provide a report concerning the development
9 of the automated data system to the co-chairpersons and
10 ranking members of the joint appropriations subcommittee on
11 the justice system and the legislative fiscal bureau, on or
12 before January 15, 1995.

13 Sec. 11. PLACEMENTS FOR ELDERLY, MENTALLY ILL, MENTALLY
14 RETARDED, OR INFIRM INMATES. The department of corrections,
15 board of parole, Iowa department of public health, department
16 of human services, department of elder affairs, and department
17 of inspections and appeals shall cooperate in developing
18 community-based placements for elderly, mentally ill, mentally
19 retarded, or infirm inmates who, by nature of their medical
20 and criminal histories, are deemed to be low-risk for
21 committing future public offenses. Community-based placements
22 may include, but are not limited to, county care facilities,
23 retirement homes, or veterans' homes. The departments shall
24 consider the potential for these community-based placement
25 facilities to obtain federal funds for providing services to
26 these inmates. The department of corrections shall develop a
27 parole plan for these inmates once a community-based placement
28 has been developed. The department of corrections shall
29 identify those inmates who are ineligible for parole in the
30 near future, but who would otherwise qualify for community-
31 based placements under this section, and shall issue a request
32 for proposals on or before November 1, 1994, from private
33 institutions which would be able to accept transfers of such
34 inmates in accordance with section 904.503. In preparing the
35 request for proposals, the department shall include relevant

1 information concerning the availability of funding sources to
2 assist in the payment of services for such inmates. The
3 department of corrections shall provide a report concerning
4 the activities of developing community-based placements for
5 elderly or infirm inmates to the co-chairpersons and ranking
6 members of the joint appropriations subcommittee on the
7 justice system and the legislative fiscal bureau, on or before
8 January 15, 1995.

9 Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.
10 The state prison industries board and the department of
11 corrections shall continue the implementation of a plan to
12 enhance vocational training opportunities within the
13 correctional institutions listed in section 904.102, as
14 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
15 shall provide for increased vocational training opportunities
16 within the correctional institutions, including the
17 possibility of approving community college credit for inmates
18 working in prison industries. The department of corrections
19 shall provide a report concerning the implementation of the
20 plan to the co-chairpersons and ranking members of the joint
21 appropriations subcommittee on the justice system and the
22 legislative fiscal bureau, on or before January 15, 1995.

23 Sec. 13. MONEYS RECOVERED THROUGH COURT-APPOINTED RECEIVER
24 -- NONREVERSION -- USES OF FUNDS.

25 1. As used in this section, unless the context otherwise
26 requires, "recovered funds" means moneys which were
27 appropriated to the department of corrections in previous
28 fiscal years for the purposes of the judicial district
29 departments of correctional services, which have been
30 recovered in the fiscal year commencing July 1, 1993, as a
31 result of the actions of the court-appointed receiver in
32 litigation pertaining to the Iowa trust matter, and which
33 would otherwise be deposited in the general fund of the state.

34 2. Notwithstanding any other provision of law to the
35 contrary, recovered funds shall not revert to the general fund

1 of the state at the end of the fiscal year commencing July 1,
2 1993, but shall be available to and transferred by the
3 department of corrections, in the manner and in the amounts
4 specified in subsection 3. Recovered funds shall be deemed
5 dedicated to the purposes specified in this section, rather
6 than the original purposes for which the moneys were
7 appropriated.

8 3. Notwithstanding any other provision of law to the
9 contrary, the department of corrections shall transfer and
10 remit recovered funds as follows:

11 a. The department of corrections shall make available
12 \$150,000 of the recovered funds to the first judicial district
13 department of correctional services, for use in the fiscal
14 year commencing July 1, 1994, to pay for the construction of 8
15 additional community-based corrections residential beds at the
16 West Union community-based correctional facility.

17 b. The department of corrections shall transfer \$148,500
18 to the second judicial district department of correctional
19 services, for use in the fiscal year commencing July 1, 1994,
20 to make the financial arrangements necessary to relocate the
21 Marshalltown community-based correctional facility, and to
22 increase the number of community-based corrections residential
23 beds at the relocated facility, from the current 24
24 residential beds to 40 residential beds. The second judicial
25 district department of correctional services shall use the
26 recovered funds transferred by this paragraph to pay the
27 initial costs connected with the relocation and construction
28 project, including but not limited to, architectural fees,
29 costs associated with obtaining lease-purchase financing, and
30 additional equipment needs.

31 c. The department of corrections shall remit the
32 additional recovered funds not otherwise transferred or made
33 available in this subsection to the treasurer of state, the
34 recovered funds shall be available to the judicial department,
35 and the treasurer of state shall transfer and distribute the

1 recovered funds to the judicial department for use in the
2 fiscal year commencing July 1, 1994. The judicial department
3 shall use the recovered funds for the purposes specified, and
4 subject to the limitations enumerated, in section 7,
5 subsection 1 of this Act, and the amounts available to the
6 judicial department through the use of recovered funds shall
7 be in addition to any moneys otherwise appropriated in this
8 Act.

9 4. The department of corrections, the first and second
10 judicial district departments of correctional services, and
11 the judicial department shall use recovered funds for the
12 purposes specified in this section in the fiscal year
13 commencing July 1, 1994, and any funds which are unexpended at
14 the end of the fiscal year commencing July 1, 1994, shall
15 revert to the general fund of the state.

16 Sec. 14. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

17 1. As used in this section, unless the context otherwise
18 requires, "state agency" means the government of the state of
19 Iowa, including but not limited to all executive departments,
20 agencies, boards, bureaus, and commissions, the judicial
21 department, the general assembly and all legislative agencies,
22 institutions within the purview of the state board of regents,
23 and any corporation whose primary function is to act as an
24 instrumentality of the state.

25 2. State agencies are hereby encouraged to purchase
26 products from Iowa state industries, as defined in section
27 904.802, when purchases are required and the products are
28 available from Iowa state industries.

29 Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall
30 submit a written report for the preceding fiscal year no later
31 than January 1 of each year indicating the amounts collected
32 pursuant to section 815.9A, relating to recovery of indigent
33 defense costs. The report shall include the total amount
34 collected by all courts, as well as the amounts collected by
35 each judicial district. The supreme court shall also submit a

1 written report quarterly indicating the number of criminal and
2 juvenile filings which occur in each judicial district for
3 purposes of estimating indigent defense costs. A copy of each
4 report shall be provided to the public defender, the
5 department of management, and the legislative fiscal bureau.

6 Sec. 16. 1993 Iowa Acts, chapter 171, section 11,
7 subsection 4, is amended to read as follows:

8 4. The task force shall submit the plan to the governor
9 and the general assembly on or before ~~June-30, 1994~~ January
10 15, 1995.

11 Sec. 17. EFFECTIVE DATES.

12 1. Section 1, subsections 3 and 4, of this Act, relating
13 to Iowa competition law or antitrust actions and to civil
14 consumer fraud actions, being deemed of immediate importance,
15 take effect upon enactment.

16 2. Section 13 of this Act, pertaining to the nonreversion,
17 transfer, and distribution of certain moneys recovered by a
18 court-appointed receiver, being deemed of immediate
19 importance, takes effect upon enactment.

20 3. Section 16 of this Act, relating to the date for
21 submission of a plan by the intermediate criminal sanctions
22 task force, being deemed of immediate importance, takes effect
23 upon enactment.

24 EXPLANATION

25 This bill makes appropriations for the fiscal year
26 beginning July 1, 1994, to the department of justice, the
27 board of parole, the department of corrections, the judicial
28 department, and other components of the justice system.
29 Provisions concerning appropriations to the department of
30 justice for enforcement of the Iowa competition law and for
31 activities relating to consumer fraud, from funds received as
32 a result of court actions, are effective upon enactment.

33 The bill provides that the prosecuting attorneys training
34 coordinator shall consult with the judicial department, to
35 provide for the education and training of prosecuting

1 attorneys, in implementing the recommendations of the equality
2 in the courts task force. The bill provides that the judicial
3 department shall use not more than \$150,000 for educating and
4 training judicial department employees and prosecuting
5 attorneys.

6 The bill requires the prosecuting attorneys training
7 program and the judicial department to use funds for educating
8 and training prosecuting attorneys and appropriate court
9 personnel in alternative dispute resolution techniques.

10 The bill requires the department of justice to report
11 sources of funding other than those directly appropriated to
12 the department, such as reimbursements from other agencies,
13 special funds, or internal accounts, to the director of the
14 department of management, in submitting budget estimates, and
15 to the co-chairpersons and ranking members of the joint
16 appropriations subcommittee on the justice system and the
17 legislative fiscal bureau.

18 The bill requires the board of parole to submit a report to
19 the co-chairpersons and ranking members of the joint
20 appropriations subcommittee and the legislative fiscal bureau,
21 detailing steps taken to implement the recommendations
22 contained in the final report prepared by the consultant and
23 presented to the corrections system review task force, and the
24 bill requires the report to include reports which are
25 submitted to the legislative fiscal bureau pursuant to section
26 906.5, subsection 2, pertaining to the early release of
27 certain property offenders.

28 The bill specifies the number of correctional officers to
29 be employed at each correctional facility.

30 The bill authorizes activities related to the lease of a
31 medium security correctional facility with 750 beds, to be
32 built on state-owned, unimproved real property located near
33 the state mental health institute at Clarinda.

34 The bill requires the department of corrections to issue a
35 request for proposals for the expansion of an existing

1 correctional facility for men which would provide for 250
2 additional beds for male inmates, with a security designation
3 that is more restrictive than the current maximum security
4 level. The bill further requires the department of
5 corrections to issue requests for proposals for the
6 construction of correctional facilities, which would provide
7 two additional 750-bed correctional facilities for men. Under
8 the bill, the department shall not accept proposals without
9 specific authorization through the enactment of legislation.

10 The bill provides that \$40,000 of the moneys appropriated
11 to the sixth judicial district department of correctional
12 services shall be used for the relocation of the Cedar Rapids
13 community corrections center.

14 The bill contains intent language providing that each
15 judicial district department of correctional services shall
16 operate the community-based correctional facilities with a
17 residential population of at least 110 percent of design
18 capacity.

19 The bill specifies that the judicial department shall use
20 not more than \$50,000 of the moneys appropriated for the
21 purchase of critically needed equipment and furniture.

22 The bill provides that the judicial department shall use
23 not more than \$1,150,000 for increasing the existing capacity
24 of the Iowa court information system, specifies that the funds
25 shall not be used to expand the applications of the system for
26 purposes other than those currently used, and requires the
27 judicial department to focus the use of the funds upon
28 collection of certain delinquent amounts. The bill requires
29 the judicial department to investigate and report concerning
30 the most efficient way to complete the expansion of the
31 department's entire communication and information management
32 system.

33 The bill appropriates \$3,150,915 to the judicial retirement
34 fund to pay the state's contribution at a rate of 23.7 percent
35 of the salaries of judges included in the judicial retirement

1 system.

2 The bill requires the department of corrections to
3 cooperate with several other departments concerning the
4 development of community-based placements for elderly,
5 mentally ill, mentally retarded, or infirm inmates. The bill
6 further requires the department to identify those inmates who
7 are ineligible for parole in the near future, but who would
8 otherwise qualify for such community-based placements, and to
9 issue a request for proposals from private institutions which
10 would be able to accept transfers of such inmates. The bill
11 requires the department of corrections to include relevant
12 information concerning the availability of funding sources to
13 assist in the payment of services for such inmates.

14 The bill provides that moneys that are recovered by the
15 court-appointed receiver in the Iowa trust matter in the
16 fiscal year commencing July 1, 1993, from moneys appropriated
17 in previous fiscal years for the purposes of the judicial
18 district departments of correctional services, which would
19 otherwise be deposited in the general fund, shall not revert
20 in the fiscal year commencing July 1, 1993. Under the bill,
21 \$150,000 of the recovered funds shall be used to construct
22 eight additional community-based corrections residential beds
23 at West Union, \$148,500 shall be used to pay the initial costs
24 connected with the relocation of the Marshalltown community-
25 based correctional facility and to construct additional beds,
26 to increase the total residential beds in the facility from 24
27 to 40. The remaining amounts recovered are distributed to the
28 judicial department for general purposes under the bill. The
29 bill provides that these funds shall be expended in the fiscal
30 year commencing July 1, 1994, and shall revert to the general
31 fund at the end of that year if not so expended. This section
32 takes effect upon enactment.

33 The bill encourages state agencies to purchase products
34 from Iowa state industries.

35 The bill requires the supreme court to submit a report to

1 the public defender, the department of management, and the
2 legislative fiscal bureau related to amounts collected and
3 recovered for indigent defense costs.

4 In a section which is effective upon enactment, the bill
5 extends the deadline for the submission of a plan by the
6 intermediate criminal sanctions task force, from June 30,
7 1994, to January 15, 1995.

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HOUSE FILE 2350

H-5299

Amend House File 2350 as follows:

2 1. Page 22, by inserting after line 28 the
3 following:
4 "If House File 2368 or Senate File 2251 is not
5 enacted by the Seventy-fifth General Assembly, 1994
6 Regular Session, in a manner which enacts a new
7 section 602.9104A or other provision to prohibit the
8 deposit of certain court revenues in the judicial
9 retirement fund, then the appropriation provided in
10 this section is reduced by \$2,019,682. If Senate File
11 413 is not enacted by the Seventy-fifth General
12 ASsembly, 1994 Regular Session, in a manner which
13 provides for an increase in certain court costs, fees,
14 fines, penalties, surcharges, forfeited bail, or
15 similar charges collected by the court and the
16 ultimate deposit of at least some of the increase in
17 the general fund of the state, then the appropriation
18 in this section is reduced by \$752,000. If both of
19 the contingencies specified in this paragraph occur,
20 the appropriation provided in this section is reduced
21 by \$2,771,682. The judicial department shall file a
22 report with the legislative fiscal bureau for each
23 quarter of the fiscal year commencing July 1, 1994,
24 detailing any additional amounts deposited in the
25 general fund of the state as a result of the
provisions of Senate File 413, if enacted."

2. By renumbering as necessary.

By CORBETT of Linn

H-5299 FILED MARCH 11, 1994

adopted 3/23/94 (p. 848)

HOUSE FILE 2350

H-5257

1 Amend House File 2350 as follows:

2 1. Page 8, by inserting after line 22 the
3 following:

4 "____. For health, life safety, and maintenance
5 needs at correctional facilities:

6 \$ 1,000,000

7 The moneys appropriated pursuant to this paragraph
8 are in addition to other appropriations made to the
9 department of corrections for that fiscal year for
10 capital projects. It is the intent of the general
11 assembly that the department of corrections allocate
12 the moneys appropriated pursuant to this paragraph
13 among the various correctional facilities, using
14 priority lists established by the department for
15 deferred major maintenance projects."

16 2. By renumbering, relettering, and correcting
17 internal references as necessary.

By HANSEN of Woodbury

H-5257 FILED MARCH 9, 1994

Pat Hermans (P. 838)
3/23/94

HOUSE FILE 2350

H-5231

1 Amend House File 2350 as follows:

2 1. By striking page 10, line 11 through page 11,
3 line 13.

4 2. By renumbering and correcting internal
5 references as necessary.

By HANSEN of Woodbury

H-5231 FILED MARCH 9, 1994

Root 3/23/94 (P. 841)

HOUSE FILE 2350

H-5250

1 Amend House File 2350 as follows:

2 1. Page 10, line 12, by striking the words
3 "medium security".

4 2. Page 10, line 26, by striking the words "
5 medium security".

By HANSEN of Woodbury

H-5250 FILED MARCH 9, 1994

WITHDRAWN

3/23/94

HOUSE FILE 2350

H-5309

1 Amend House File 2350 as follows:

2 1. By striking page 10, line 11, through page 11,
3 line 13, ~~the inserting the following:~~

4 " a. The department of corrections shall
5 construct a five hundred bed correctional facility for
6 men at Newton and an infirmary of at least fifty beds,
7 but not more than one hundred beds, for elderly and
8 infirm male inmates at the Oakdale correctional
9 facility, and to do so shall issue negotiable bonds
10 and notes in principal amounts as are necessary to
11 provide sufficient funds for the construction and
12 equipping of the facilities, for the payment of
13 interest on the bonds and notes, for the establishment
14 of reserves to secure the bonds and notes, and for all
15 other expenditures incident to and necessary or
16 convenient to carry out its duties to construct and
17 equip the facilities through the issuance of
18 negotiable bonds and notes. The bonds and notes shall
19 be deemed to be investment securities and negotiable
20 instruments within the meaning of and for all purposes
21 of the uniform commercial code.

22 b. The bonds and notes shall be payable solely and
23 only out of the moneys, assets, or revenues of the
24 department of corrections contained in a correctional
25 facility construction fund which is hereby created in
26 the state treasury under the control of the department
27 of corrections. Notwithstanding section 12C.7,
28 subsection 2, all interests or earnings on moneys in
29 the fund shall be deposited in the fund, and
30 notwithstanding section 8.33, moneys in the fund shall
31 not revert to the general fund of the state at the end
32 of any fiscal year. The correctional facility
33 construction fund shall consist of moneys appropriated
34 specifically for deposit in the fund by the general
35 assembly, and such other public or private moneys
36 which are specifically designated for and deposited in
37 the correctional facility construction fund.

38 c. The bonds and notes are not an obligation of
39 this state or any political subdivision of this state
40 other than the department of corrections within the
41 meaning of any constitutional or statutory debt
42 limitations, but are special obligations of the
43 department of corrections payable solely and only from
44 the sources of revenue established by this subsection
45 for the correctional facility construction fund. The
46 department of corrections shall not pledge the credit
47 or taxing power of this state or any political
48 subdivision of this state or make its debts with
49 respect to the bonds and notes payable out of moneys
50 except those in the correctional facility construction

-5309

H-5309

Page 2

1 fund. In authorizing and issuing the bonds and notes,
 2 the department of corrections shall adhere to the
 3 requirements applicable to the authorization and
 4 issuance of bonds by the Iowa finance authority under
 5 chapter 16."

6 2. By renumbering and correcting internal
 7 references as necessary.

By BRAMMER of Linn

BELL of Jasper

H-5309 FILED MARCH 14, 1994

WITHDRAWN
 3-23-94

DODERER of Johnson

JOCHUM of Dubuque

HOUSE FILE 2350

H-5386

Amend House File 2350 as follows:

2 1. Page 6, line 23, by inserting after the word
 3 "officers," the following: "the purchase of radios,
 4 emergency notification equipment, surveillance
 5 cameras, and other necessary surveillance and
 6 emergency response equipment,".

7 2. Page 6, line 25, by striking the figure
 8 "24,705,497" and inserting the following:
 9 "24,855,497".

10 3. Page 6, by inserting after line 26 the
 11 following:

12 "The department of corrections shall use not more
 13 than \$150,000 of the funds appropriated in this
 14 paragraph for the purchase of radios, emergency
 15 notification equipment, surveillance cameras, and
 16 other necessary surveillance and emergency response
 17 equipment, for use in the Fort Madison correctional
 18 facility."

19 4. Page 19, line 25, by striking the figure
 20 "81,470,924" and inserting the following:
 21 "81,320,924".

22 5. Page 20, line 27, by striking the figure
 23 "1,150,000" and inserting the following: "1,000,000".

By LARKIN of Lee

H-5386 FILED MARCH 15, 1994

lost 3/23/94 (p. 852)

HOUSE FILE 2350

H-5392

Amend House File 2350 as follows:

2 1. Page 27, by inserting after line 5 the
 3 following:

4 "Sec. ____ . Section 912.6, subsection 4, Code
 5 Supplement 1993, is amended to read as follows:

6 4. Reasonable funeral and burial expenses not to
 7 exceed two-thousand five hundred thousand dollars."

8 2. By renumbering and correcting internal
 9 references as necessary.

By FALLON of Polk

H-5392 FILED MARCH 15, 1994

WITHDRAWN

3/23/94

HOUSE FILE 2350

H-5579

1 Amend House File 2350 as follows:
 2 1. Page 12, by inserting after line 14 the
 3 following:
 4 "_____. Notwithstanding any other provision of law
 5 to the contrary, the department of corrections shall
 6 pay the costs of transporting inmates on an emergency
 7 basis to a health or medical facility from the funds
 8 appropriated pursuant to this section, and such costs
 9 shall not be paid from funds appropriated for purposes
 10 of chapter 255."

11 2. By renumbering as necessary.
 By BRAMMER of Linn NEUHAUSER of Johnson
 DODERER of Johnson MYERS of Johnson

H-5579 FILED MARCH 22, 1994

Lost 3/23/94 (P844)

HOUSE FILE 2350

H-5580

1 Amend House File 2350 as follows:
 2 1. Page 8, by inserting after line 7 the
 3 following:
 4 "_____. For the employment of as many additional
 5 correctional officers as possible in full-time
 6 equivalent positions at the Fort Madison correctional
 7 facility, above the number of correctional officers
 8 required under paragraph "a", including salaries,
 9 support, and miscellaneous purposes related to the
 10 additional correctional officers:
 11 \$ 671,737".
 12 2. Page 19, line 25, by striking the figure
 13 "81,470,924" and inserting the following:
 14 "80,797,187".
 15 3. Page 20, line 15, by striking the figure
 16 "150,000" and inserting the following: "438,000".
 17 4. By striking page 20, line 27 through page 21,
 18 line 7 and inserting the following: "judicial
 19 department shall use not more than \$190,263 to fund an
 20 additional 6.00 FTEs to employ additional juvenile
 21 court officers."
 22 5. By renumbering, relettering, and correcting
 23 internal references as necessary.

By NEUHAUSER of Johnson

H-5580 FILED MARCH 22, 1994

*A. Lost
 B. Lost
 C. Lost
 D. Lost* } *3/23/94*

HOUSE FILE 2350

H-5570

1 Amend House File 2350 as follows:

2 1. Page 8, by inserting after line 7 the
3 following:

4 "_____. For the employment of as many additional
5 correctional officers as possible in full-time
6 equivalent positions at the Fort Madison and Anamosa
7 correctional facilities, distributed in a manner
8 determined by the department of corrections, above the
9 number of correctional officers required under
10 paragraphs "a" and "b", including salaries, support,
11 and miscellaneous purposes related to the additional
12 correctional officers:

13 \$ 1,150,000".

14 2. Page 19, line 25, by striking the figure
15 "81,470,924" and inserting the following:

A 16 "80,320,924".

17 3. By striking page 20, line 26 through page 21,
18 line 7.

19 4. Page 27, by inserting after line 5 the
20 following:

21 "Sec. _____. ICIS INTERIM STUDY. The legislative
22 council is requested to establish an interim study
23 committee to examine issues pertaining to the Iowa
24 court information system (ICIS), as well as to
25 consider the most efficient way to complete the
26 expansion of the judicial department's entire
27 communication and information management system. In
28 addition, the study shall consider methods for using
29 ICIS to enhance the collection of delinquent fines,
30 penalties, court costs, fees, surcharges, or similar
31 amounts. The interim study committee shall also
32 investigate methods for making ICIS compatible with
33 other computer systems utilized by the state. The
34 interim study committee shall report its findings and
35 recommendations to the legislative council on or
36 before January 31, 1995."

B

37 5. By renumbering, relettering, and correcting
38 internal references as necessary.

By LARKIN of Lee

H-5570 FILED MARCH 22, 1994

A. Lost 3/23/94 (p. 836)
B. Adopted 3/23/94 (p. 849)

HOUSE FILE 2350

H-5584

Amend House File 2350 as follows:

1. Page 27, by inserting after line 5 the following:

"Sec. ____ . LEASE-PURCHASE -- BUDGET SUBMISSION.

1. Except as otherwise provided in subsection 2, this subsection applies to each state agency receiving an appropriation in this Act. The departmental estimate required under section 8.23 for the fiscal period beginning July 1, 1995, which includes the state agency, shall provide an itemized list indicating the nature and amount of each lease-purchase contract payment included in the estimate for proposed contracts which have not been reported by the state agency to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the estimate. The governor shall include in the governor's budget for the fiscal year beginning July 1, 1995, a listing indicating the nature and amount of each lease-purchase contract which was itemized in a departmental estimate in accordance with this section and is included in the governor's budget. A state agency receiving an appropriation in this Act shall not enter into a lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract was itemized in a departmental estimate and included in the governor's budget in accordance with this subsection.

2. The annual operating budget submitted by the supreme court pursuant to section 602.1301 for the fiscal year beginning July 1, 1995, shall provide an itemized list indicating the nature and amount of each judicial department lease-purchase contract included in the budget which has not been reported to the legislative fiscal committee of the legislative council pursuant to section 8.46 prior to the submission of the budget. The supreme court shall not enter into or authorize a judicial department lease-purchase contract during the fiscal year beginning July 1, 1995, unless the contract is itemized in the supreme court's budget in accordance with this subsection and funds are appropriated for the contract by the general assembly."

2. By renumbering and correcting internal references as necessary.

By BURKE of Marshall

H-5584 FILED MARCH 22, 1994

Lost 3/23/94 (P. 850)

HOUSE FILE 2350

H-5581

- 1 Amend House File 2350 as follows:
2 1. Page 20, by striking lines 14 and 15 and
3 inserting the following:
4 " _____. Of the funds appropriated in this
5 subsection, the judicial department shall use not more
6 than \$35,000 to reestablish the court appointed
7 special advocate program in Woodbury county.
8 _____. The judicial department shall use not more
9 than \$115,000 of the funds appropriated in this
10 subsection for".
11 2. By relettering as necessary.

By RANTS of Woodbury

H-5581 FILED MARCH 22, 1994

Lot 3/23/94 (p. 847)

HOUSE FILE 2350

H-5567

- 1 Amend House File 2350 as follows:
2 1. Page 17, line 9, by inserting after the letter
3 ""e"" the following: ", and shall use, for
4 continuation of the program in the fiscal year
5 commencing July 1, 1994, at least the amount of moneys
6 utilized for the program in the fiscal year commencing
7 July 1, 1990".
8 2. Page 18, line 16, by inserting after the
9 figure "2" the following: ", and shall use, for
10 continuation of the programs in the fiscal year
11 commencing July 1, 1994, at least the amounts of
12 moneys utilized for the programs in the fiscal year
13 commencing July 1, 1990".

By VANDE HOEF of Osceola

H-5567 FILED MARCH 22, 1994

WITHDRAWN
3/23/94

HOUSE FILE 2350

H-5590

1 Amend House File 2350 as follows:

2 1. Page 11, by striking lines 32 through 34 and
3 inserting the following: "proposals for the
4 construction of an additional correctional facility
5 and additional correctional beds, which would provide
6 one additional 750-bed correctional facility for men
7 plus an additional 750 correctional beds in the
8 correctional system, if the proposals are accepted.
9 The".

By VANDE HOEF of Osceola
CORBETT of Linn

HALVORSON of Webster
MUNDIE of Webster

H-5590 FILED MARCH 22, 1994

adopted 3/24/94 (P 843)

HOUSE FILE 2350

H-5596

1 Amend House File 2350 as follows:

2 1. By striking page 10, line 11 through page 11,
3 line 13 and inserting the following:

4 "___ . a. The general assembly declares that an
5 expansion in prison capacity is necessary to ease
6 overcrowding in the correctional system, and
7 authorizes the department of corrections to enter into
8 financial arrangements with the department of general
9 services pursuant to section 18.12 for the lease-
10 purchase and construction of additional prison
11 facilities as provided in this subsection, with an
12 initial payment under the financial arrangements that
13 is not due until on or after July 1, 1995. The
14 general assembly declares that the construction and
15 lease-purchase of prison facilities serves the public
16 purpose and is an essential governmental function
17 which will promote the general welfare of the citizens
18 of the state of Iowa.

19 b. The department of corrections shall construct a
20 five-hundred bed correctional facility for men at
21 Newton for a construction cost which shall not exceed
22 \$25,000,000, and construct an infirmary of at least
23 fifty beds, but not more than one hundred beds, at the
24 Oakdale correctional facility for a construction cost
25 which shall not exceed \$5,000,000."

26 2. By renumbering and correcting internal
27 references as necessary.

By BRAMMER of Linn

H-5596 FILED MARCH 22, 1994

Lost 3/23/94 (p. 840)

HOUSE FILE 2350

H-5589

1 Amend House File 2350 as follows:

2 1. By striking page 10, line 11 through page 11,
3 line 13, and inserting the following:

4 "____. a. The general assembly declares that the
5 lease of a medium security correctional facility with
6 750 beds, to be built on state-owned real property
7 located near the Newton correctional facility, serves
8 the public purpose and is an essential governmental
9 function which will promote the general welfare of the
10 citizens of the state of Iowa.

11 b. Notwithstanding any other provision of law to
12 the contrary or any provision providing for an
13 alternative or independent method of establishing a
14 correctional facility, the department of corrections
15 may establish a correctional facility pursuant to this
16 subsection. The department of corrections may lease
17 unimproved real property located near the Newton
18 correctional facility to a person or entity that is
19 leasing the property for the purpose of constructing a
20 750-bed, medium security correctional facility. The
21 department of corrections may enter into a lease or
22 lease-purchase agreement, to lease the newly
23 constructed correctional facility from the person or
24 entity leasing the real property from the department.
25 Notwithstanding any other provision of law to the
26 contrary, a party to a lease or lease-purchase
27 agreement entered into pursuant to this subsection
28 shall not be required to publish any notice or proceed
29 with any other or further proceedings with respect to
30 the lease or lease-purchase agreement, except as
31 otherwise provided in this subsection. Any lease
32 entered into in accordance with this subsection shall
33 specify the duration of the lease and any possible
34 extensions, as well as whether a purchase option is
35 included. The department of corrections may enter
36 into a lease agreement pursuant to this subsection for
37 an original term of one year, or for an original term
38 of a different duration. However, if the original
39 term is for one year and requires the department to
40 make payments, the lease agreement shall provide
41 automatic one-year extensions of the term, and such
42 automatic extensions shall occur unless legislation is
43 enacted prior to the expiration of the original term
44 or the applicable extension which directs the
45 department of corrections to terminate the lease."

46 2. By renumbering and correcting internal
47 references as necessary.

By BELL of Jasper
BLACK of Jasper

H-5589 FILED MARCH 22, 1994

Lost 3/23/94 (p.854)

HOUSE FILE 2350

H-5651

1 Amend the amendment, H-5590, to House File 2350 as
2 follows:
3 1. Page 1, by inserting after line 9 the
4 following:
5 "____. Page 27, by inserting after line 5 the
6 following:
7 "Sec. ____ . Section 904.102, Code 1993, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
10 other provision of law to the contrary, smoking, as
11 defined in section 142B.1, shall be prohibited at each
12 of the institutions specified in this section and on
13 all real property under the control of the department
14 of corrections.""
15 2. By renumbering and correcting internal
16 references as necessary.

By TYRRELL of Iowa

H-5651 FILED MARCH 23, 1994
NOT GERMANE

HOUSE FILE 2350

H-5652

1 Amend the amendment, H-5581, to House File 2350 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 "____. Page 20, by striking lines 26 and 27 and
6 inserting the following:"
7 2. Page 1, by striking lines 8 through 10 and
8 inserting the following:
9 "____. Of the funds appropriated pursuant to this
10 subsection, the judicial department shall use not more
11 than \$1,115,000 for"."

By GILL of Woodbury

H-5652 FILED MARCH 23, 1994
ADOPTED

HOUSE FILE 2350

H-5620

1 Amend the amendment, H-5581, to House File 2350 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "_____. Page 6, line 28, by striking the figure
6 "211" and inserting the following: "218".
7 2. Page 1, by inserting after line 10 the
8 following:
9 "_____. By striking page 25, line 31 through page
10 26, line 8, and inserting the following:
11 "c. The department of corrections shall use any
12 additional recovered funds not otherwise transferred
13 or made available pursuant to this subsection for the
14 employment of additional correctional officers at the
15 Anamosa correctional facility, including salaries,
16 support, and miscellaneous purposes."
17 _____. Page 26, line 9, by striking the word
18 "corrections," and inserting the following:
19 "corrections and".
20 _____. Page 26, lines 10 and 11, by striking the
21 words ", and the judicial department".
22 3. By renumbering, relettering, and correcting
23 internal references as necessary.

By WELTER of Jones
VANDE HOEF of Osceola

H-5620 FILED MARCH 23, 1994
NOT GERMANE

HOUSE FILE 2350

H-5635

1 Amend the amendment, H-5596, to House File 2350 as
2 follows:
3 1. Page 1, line 20, by striking the word "five-
4 hundred" and inserting the following: "seven-hundred-
5 fifty".

By BRAMMER of Linn

H-5635 FILED MARCH 23, 1994
ADOPTED

HOUSE FILE 2350

H-5650

1 Amend the amendment, H-5596, to House File 2350 as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 "_____. Page 12, by inserting after line 14 the
6 following:"
7 2. By renumbering as necessary.

By BELL of Jasper

H-5650 FILED MARCH 23, 1994
ADOPTED

HOUSE FILE 2350

H-5661

1 Amend the amendment, H-5392, to House File 2350 as
2 follows:

3 1. Page 1, by inserting after line 3 the
4 following:

5 "Sec. ____ . Section 99E.10, subsection 1, Code
6 Supplement 1993, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. f. For each of the fiscal years
9 beginning July 1, 1994, July 1, 1995, and July 1,
10 1996, ten million dollars shall be deposited into a
11 correctional rehabilitation enforcement and protection
12 fund established in the office of the treasurer of
13 state. There is appropriated from the correctional
14 rehabilitation enforcement and protection fund for the
15 fiscal years beginning July 1, 1994, July 1, 1995, and
16 July 1, 1996, all moneys in the correctional
17 rehabilitation enforcement and protection fund to the
18 department of corrections for use in the construction
19 of a new medium security correctional facility for
20 men. The location of the facility shall be determined
21 by competitive bidding procedures."

22 2. By renumbering and correcting internal
23 references as necessary.

By HANSEN of Woodbury

H-5661 FILED MARCH 23, 1994
NOT GERMANE

(P. 835) 3-24-94 Senate - Approp.
(P. 1143) 4/11/94 Senate - Do Pass

HOUSE FILE 2350
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House March 23, 1994)

Passed House, Date 4/14/94 (P. 1671) Passed Senate, Date 4/13/94 (P. 1197)
Vote: Ayes 82 Nays 14 Vote: Ayes 46 Nays 3
Approved May 12, 1994 Passed 4-15-94 (P. 1269)
Vote 47-1

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system for the fiscal year beginning July 1, 1994, and
3 providing effective dates.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. DEPARTMENT OF JUSTICE. There is appropriated
2 from the general fund of the state to the department of
3 justice for the fiscal year beginning July 1, 1994, and ending
4 June 30, 1995, the following amounts, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 1. For the general office of attorney general for
7 salaries, support, maintenance, miscellaneous purposes
8 including odometer fraud enforcement, and for not more than
9 the following full-time equivalent positions:

10	\$	4,752,448
11	FTEs	169.00

12 2. Prosecuting attorney training program for salaries,
13 support, maintenance, miscellaneous purposes, and for not more
14 than the following full-time equivalent positions:

15	\$	113,326
16	FTEs	4.00

17 a. In addition to the funds appropriated in this
18 subsection for the fiscal year beginning July 1, 1994, and
19 ending June 30, 1995, the attorney general shall provide up to
20 \$41,000 in state matching funds from moneys retained by the
21 attorney general from property forfeited pursuant to section
22 809.13, for the prosecuting attorney training program, the
23 prosecuting intern program, or both. Counties participating
24 in the prosecuting intern program shall match the state funds.

25 b. In addition to the funds appropriated in this
26 subsection for the fiscal year beginning July 1, 1994, and
27 ending June 30, 1995, and the moneys retained by the attorney
28 general pursuant to paragraph "a", the attorney general shall
29 provide up to \$10,000 in state matching funds from moneys
30 retained by the attorney general from property forfeited
31 pursuant to section 809.13, for the office of the prosecuting
32 attorneys training coordinator to use for continuation of the
33 domestic violence response enhancement program established in
34 accordance with 1992 Iowa Acts, chapter 1240, section 1,
35 subsection 2, paragraph "b".

1 c. The prosecuting attorneys training coordinator shall
2 cooperate and consult with the judicial department, as
3 otherwise provided in this Act, to provide for the education
4 and training of prosecuting attorneys, as defined in section
5 13A.1, in implementing the recommendations of the equality in
6 the courts task force.

7 d. The prosecuting attorneys training program shall use a
8 portion of the funds appropriated in this subsection for
9 educating and training prosecuting attorneys, as defined in
10 section 13A.1, in alternative dispute resolution techniques.

11 3. In addition to the funds appropriated in subsection 1,
12 there is appropriated from the general fund of the state to
13 the department of justice for the fiscal year beginning July
14 1, 1994, and ending June 30, 1995, an amount not exceeding
15 \$200,000 to be used for the enforcement of the Iowa
16 competition law. The expenditure of the funds appropriated in
17 this subsection is contingent upon receipt by the general fund
18 of the state of an amount at least equal to either the
19 expenditures from damages awarded to the state or a political
20 subdivision of the state by a civil judgment under chapter
21 553, if the judgment authorizes the use of the award for
22 enforcement purposes or costs or attorneys fees awarded the
23 state in state or federal antitrust actions. However, if the
24 funds received as a result of these judgments are in excess of
25 \$200,000, the excess funds shall not be appropriated to the
26 department of justice pursuant to this subsection.

27 4. In addition to the funds appropriated in subsection 1,
28 there is appropriated from the general fund of the state to
29 the department of justice for the fiscal year beginning July
30 1, 1994, and ending June 30, 1995, an amount not exceeding
31 \$125,000 to be used for public education relating to consumer
32 fraud and for enforcement of section 714.16, and an amount not
33 exceeding \$75,000 for investigation, prosecution, and consumer
34 education relating to consumer and criminal fraud against
35 older Iowans. The expenditure of the funds appropriated in

1 this subsection is contingent upon receipt by the general fund
2 of the state of an amount at least equal to the expenditures
3 from damages awarded to the state or a political subdivision
4 of the state by a civil consumer fraud judgment or settlement,
5 if the judgment or settlement authorizes the use of the award
6 for public education on consumer fraud. However, if the funds
7 received as a result of these judgments and settlements are in
8 excess of \$200,000, the excess funds shall not be appropriated
9 to the department of justice pursuant to this subsection.

10 5. For victim assistance grants:
11 \$ 1,359,812

12 a. The funds appropriated in this subsection shall be used
13 to provide grants to care providers providing services to
14 crime victims of domestic abuse or to crime victims of rape
15 and sexual assault.

16 b. Notwithstanding section 8.33 or 8.39, any balance
17 remaining from the appropriation made pursuant to this
18 subsection shall not revert to the general fund of the state
19 but shall be available for expenditure during the subsequent
20 fiscal year for the same purpose, and shall not be transferred
21 to any other program.

22 6. For the GASA prosecuting attorney program and for not
23 more than the following full-time equivalent positions:
24 \$ 102,927
25 FTEs 3.00

26 7. The balance of the victim compensation fund established
27 under section 912.14 may be used to provide salary and support
28 of not more than 9.00 FTEs and to provide maintenance for the
29 victim compensation functions of the department of justice.

30 8. The department of justice shall submit monthly
31 financial statements to the legislative fiscal bureau and the
32 department of management containing all appropriated accounts
33 in the same manner as provided in the monthly financial status
34 reports and personal services usage reports of the department
35 of revenue and finance. The monthly financial statements

1 shall include comparisons of the moneys and percentage spent
2 of budgeted to actual revenues and expenditures on a
3 cumulative basis for full-time equivalent positions and
4 available moneys.

5 9. a. The department of justice, in submitting budget
6 estimates pursuant to section 8.23, shall include a report of
7 funding from sources other than amounts appropriated directly
8 from the general fund of the state to the department of
9 justice or to the office of consumer advocate. These funding
10 sources shall include, but are not limited to, reimbursements
11 from other state agencies, commissions, boards, or similar
12 entities, and reimbursements from special funds or internal
13 accounts within the department of justice. The department of
14 justice shall report actual reimbursements for the fiscal year
15 commencing July 1, 1993, and actual and expected
16 reimbursements for the fiscal year commencing July 1, 1994.

17 b. The department of justice shall include the report
18 required under paragraph "a", as well as information regarding
19 any revisions occurring as a result of reimbursements actually
20 received or expected at a later date, in a report to the co-
21 chairpersons and ranking members of the joint appropriations
22 subcommittee on the justice system and the legislative fiscal
23 bureau. The department of justice shall submit the report on
24 or before January 15, 1995.

25 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
26 appropriated from the general fund of the state to the office
27 of consumer advocate of the department of justice for the
28 fiscal year beginning July 1, 1994, and ending June 30, 1995,
29 the following amount, or so much thereof as is necessary, to
30 be used for the purposes designated:

31 For salaries, support, maintenance, miscellaneous purposes,
32 and for not more than the following full-time equivalent
33 positions:

34	\$	2,040,396
35	FTEs	32.00

1 Sec. 3. BOARD OF PAROLE. There is appropriated from the
2 general fund of the state to the board of parole for the
3 fiscal year beginning July 1, 1994, and ending June 30, 1995,
4 the following amount, or so much thereof as is necessary, to
5 be used for the purposes designated:

6 For salaries, support, maintenance, including maintenance
7 of an automated docket and the board's automated risk
8 assessment model, employment of two statistical research
9 analysts to assist with the application of the risk assessment
10 model in the parole decision-making process, miscellaneous
11 purposes, and for not more than the following full-time
12 equivalent positions:

13	\$	778,747
14	FTEs	17.00

15 1. The board of parole shall require the board's
16 administrative staff to be cross-trained to assure that each
17 individual on that staff is familiar with all tasks performed
18 by the staff.

19 2. The department of corrections and the board of parole
20 shall review, and implement as necessary, the findings and
21 recommendations contained in the final report prepared by the
22 consultant and presented to the corrections system review task
23 force which was established by 1988 Iowa Acts, chapter 1271,
24 as they relate to the department of corrections and the board
25 of parole. The board shall submit a report to the co-
26 chairpersons of the joint appropriations subcommittee on the
27 justice system and the legislative fiscal bureau on or before
28 January 16, 1995, detailing steps taken to implement any of
29 the recommendations, and for those recommendations which have
30 not been implemented, specifying the reasons for failing to
31 implement the recommendations. The report shall include, but
32 is not limited to, copies of all reports submitted to the
33 legislative fiscal bureau pursuant to section 906.5,
34 subsection 2, for the fiscal year commencing July 1, 1994, as
35 well as details pertaining to other steps taken to implement

1 the recommendations contained in the fiscal report prepared by
2 the consultant for the corrections system review task force
3 pertaining to the early parole of nonviolent property
4 offenders.

5 3. The board of parole shall conduct a study of the parole
6 process to identify and eliminate bias in the parole system
7 based upon race, creed, color, sex, national origin, religion,
8 or disability. The board of parole shall report its findings
9 and recommendations to the co-chairpersons and ranking members
10 of the joint appropriations subcommittee on the justice system
11 and the legislative fiscal bureau on or before January 15,
12 1995.

13 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is
14 appropriated from the general fund of the state to the
15 department of corrections for the fiscal year beginning July
16 1, 1994, and ending June 30, 1995, the following amounts, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 1. For the operation of adult correctional institutions,
20 to be allocated as follows:

21 a. For the operation of the Fort Madison correctional
22 facility, including salaries, support, maintenance, employment
23 of 310 correctional officers, miscellaneous purposes, and for
24 not more than the following full-time equivalent positions:
25 \$ 24,705,497
26 FTEs 490.50

27 b. For the operation of the Anamosa correctional facility,
28 including salaries, support, maintenance, employment of 211
29 correctional officers and a part-time chaplain to provide
30 religious counseling to inmates of a minority race,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:
33 \$ 18,498,730
34 FTEs 356.25

35 Moneys are provided within this appropriation for 2 full-

1 time substance abuse counselors for the Luster Heights
2 facility, for the purpose of certification of a substance
3 abuse program at that facility.

4 c. For the operation of the Oakdale correctional facility,
5 including salaries, support, maintenance, employment of 159
6 correctional officers, miscellaneous purposes, and for not
7 more than the following full-time equivalent positions:

8 \$ 15,478,173
9 FTEs 320.80

10 d. For the operation of the Newton correctional facility,
11 including salaries, support, maintenance, employment of 44
12 correctional officers, miscellaneous purposes, and for not
13 more than the following full-time equivalent positions:

14 \$ 5,293,526
15 FTEs 110.25

16 e. For the operation of the Mt. Pleasant correctional
17 facility, including salaries, support, maintenance, employment
18 of 141 correctional officers and a full-time chaplain to
19 provide religious counseling at the Oakdale and Mt. Pleasant
20 correctional facilities, miscellaneous purposes, and for not
21 more than the following full-time equivalent positions:

22 \$ 13,219,851
23 FTEs 258.92

24 f. For the operation of the Rockwell City correctional
25 facility, including salaries, support, maintenance, employment
26 of 58 correctional officers, miscellaneous purposes, and for
27 not more than the following full-time equivalent positions:

28 \$ 5,341,798
29 FTEs 112.00

30 g. For the operation of the Clarinda correctional
31 facility, including salaries, support, maintenance, employment
32 of 68 correctional officers, miscellaneous purposes, and for
33 not more than the following full-time equivalent positions:

34 \$ 6,308,034
35 FTEs 136.20

1 h. For the operation of the Mitchellville correctional
2 facility, including salaries, support, maintenance, employment
3 of 71.50 correctional officers, miscellaneous purposes, and
4 for not more than the following full-time equivalent
5 positions:

6	\$	6,081,317
7	FTEs	133.00

8 The department of corrections shall analyze and compare
9 policies and guidelines concerning inmates at the correctional
10 facilities, and shall propose revisions to the general
11 assembly as necessary to ensure that male and female inmates
12 have comparable opportunities for education, vocational
13 education, and treatment at the state correctional facilities.
14 Where legislative action is not necessary to ensure comparable
15 opportunities, the department shall take administrative action
16 to implement the policies or guidelines needed to accomplish
17 the comparable opportunities mandated by this paragraph. The
18 department shall report the progress on the analysis and
19 comparison of the policies and guidelines, and any changes
20 made, to the co-chairpersons and ranking members of the joint
21 appropriations subcommittee on the justice system and the
22 legislative fiscal bureau on or before December 15, 1994.

23 2. The department of corrections shall provide a report to
24 the co-chairpersons and ranking members of the joint
25 appropriations subcommittee on the justice system and the
26 joint appropriations subcommittee on education, the
27 chairpersons and ranking members of the senate and house
28 standing committees on education, and the legislative fiscal
29 bureau on or before January 15, 1995, outlining the
30 implementation of the centralized education program for the
31 correctional system. The report shall include a listing of
32 the educational institutions that are involved, the amount of
33 any federal funds received for use with these programs, and
34 any other pertinent information.

35 3. If the inmate tort claim fund for inmate claims of less

1 than \$50 is exhausted during the fiscal year, sufficient funds
2 shall be transferred from the institutional budgets to pay
3 approved tort claims for the balance of the fiscal year. The
4 warden or superintendent of each institution or correctional
5 facility shall designate an employee to receive, investigate,
6 and recommend whether to pay any properly filed inmate tort
7 claim for less than the above amount. The designee's
8 recommendation shall be approved or denied by the warden or
9 superintendent and forwarded to the department of corrections
10 for final approval and payment. The amounts appropriated to
11 this fund pursuant to 1987 Iowa Acts, chapter 234, section
12 304, subsection 2, are not subject to reversion under section
13 8.33.

14 Tort claims denied at the institution shall be forwarded to
15 the state appeal board for their consideration as if
16 originally filed with that body. This procedure shall be used
17 in lieu of chapter 669 for inmate tort claims of less than
18 \$50.

19 4. The department of corrections shall submit a plan to
20 the general assembly prior to January 1, 1995, to establish in
21 the institutions a mandatory literacy requirement for all
22 inmates. The plan shall include the following:

23 a. Statistics indicating the current reading and education
24 levels of the average inmate.

25 b. The funding and number of years necessary for
26 implementation.

27 c. The feasibility of mandating participation and the need
28 for exemptions.

29 d. The availability of sanctions and incentives.

30 e. The special education services for inmates under the
31 age of twenty-one.

32 f. The continuation of educational programming after
33 release.

34 5. The department of corrections, in consultation and
35 cooperation with the judicial district departments of

1 correctional services, board of parole, division of criminal
2 and juvenile justice planning of the department of human
3 rights, and any other applicable state agencies, shall provide
4 a report detailing the steps taken to implement the reports of
5 the consultants retained by the corrections system review task
6 force established by 1988 Iowa Acts, chapter 1271, section 14.
7 The department shall provide the report to the co-chairpersons
8 and ranking members of the joint appropriations subcommittee
9 on the justice system and the legislative fiscal bureau, on or
10 before January 15, 1995.

11 6. a. The general assembly declares that the lease of a
12 medium security correctional facility with 750 beds, to be
13 built on state-owned, unimproved real property located near
14 the state mental health institute at Clarinda, serves the
15 public purpose and is an essential governmental function which
16 will promote the general welfare of the citizens of the state
17 of Iowa.

18 b. Notwithstanding any other provision of law to the
19 contrary or any provision providing for an alternative or
20 independent method of establishing a correctional facility,
21 the department of corrections may establish a correctional
22 facility pursuant to this subsection. The department of human
23 services may lease unimproved real property located near the
24 state mental health institute at Clarinda to a person or
25 entity that is leasing the property for the purpose of
26 constructing a 750-bed, medium security correctional facility.
27 The department of corrections may enter into a lease or lease-
28 purchase agreement, to lease the newly constructed
29 correctional facility from the person or entity leasing the
30 real property from the department of human services.
31 Notwithstanding any other provision of law to the contrary, a
32 party to a lease or lease-purchase agreement entered into
33 pursuant to this subsection shall not be required to publish
34 any notice or proceed with any other or further proceedings
35 with respect to the lease or lease-purchase agreement, except

1 as otherwise provided in this subsection. Any lease entered
2 into in accordance with this subsection shall specify the
3 duration of the lease and any possible extensions, as well as
4 whether a purchase option is included. The department of
5 corrections may enter into a lease agreement pursuant to this
6 subsection for an original term of one year, or for an
7 original term of a different duration. However, if the
8 original term is for one year, the lease agreement shall
9 provide automatic one-year extensions of the term, and such
10 automatic extensions shall occur unless legislation is enacted
11 prior to the expiration of the original term or the applicable
12 extension which directs the department of corrections to
13 terminate the lease.

14 7. The department of corrections shall issue a request for
15 proposals for the expansion of an existing correctional
16 facility for men, which would provide for 250 additional beds
17 for male inmates, with a security designation that is more
18 restrictive than the current maximum security level, and which
19 would only be constructed if a proposal is accepted. The
20 department of corrections shall issue the request for
21 proposals in such a manner that responses are due on or before
22 January 1, 1995. However, the department of corrections shall
23 not accept a proposal without specific authorization through
24 the enactment of legislation to fund the proposal. The
25 department of corrections shall submit a report to the co-
26 chairpersons and ranking members of the joint appropriations
27 subcommittee on the justice system and the legislative fiscal
28 bureau on or before January 15, 1995, detailing the progress
29 to date concerning the competitive bidding process required by
30 this subsection.

31 8. The department of corrections shall issue requests for
32 proposals for the construction of an additional correctional
33 facility and additional correctional beds, which would provide
34 one additional 750-bed correctional facility for men plus an
35 additional 750 correctional beds in the correctional system,

1 if the proposals are accepted. The department of corrections
2 shall specify the security designations for the facilities in
3 the requests for proposals. The requests for proposals shall
4 include but are not limited to proposals for the expansion of
5 existing correctional facilities for men. The department of
6 corrections shall issue the requests for proposals in such a
7 manner that responses are due on or before January 1, 1995.
8 However, the department of corrections shall not accept a
9 proposal without specific authorization through the enactment
10 of legislation to fund the proposal. The department of
11 corrections shall submit a report to the co-chairpersons and
12 ranking members of the joint appropriations subcommittee on
13 the justice system and the legislative fiscal bureau on or
14 before January 15, 1995, detailing the progress to date
15 concerning the competitive bidding process required by this
16 subsection.

17 Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION.

18 There is appropriated from the general fund of the state to
19 the department of corrections for the fiscal year beginning
20 July 1, 1994, and ending June 30, 1995, the following amounts,
21 or so much thereof as is necessary, to be used for the
22 purposes designated:

23 1. For general administration, including salaries,
24 support, maintenance, employment of an education director and
25 clerk to administer a centralized education program for the
26 correctional system, miscellaneous purposes, and for not more
27 than the following full-time equivalent positions:

28	\$	2,223,408
29	FTEs	38.52

30 The department shall monitor the use of the classification
31 model by the judicial district departments of correctional
32 services and has the authority to override a district
33 department's decision regarding classification of community-
34 based clients. The department shall notify a district
35 department of the reasons for the override.

1 2. For reimbursement of counties for temporary confinement
2 of work release and parole violators, as provided in sections
3 901.7, 904.908, and 906.17 and for offenders confined pursuant
4 to section 904.513:

5 \$ 237,038

6 3. For federal prison reimbursement, reimbursements for
7 out-of-state placements, and miscellaneous contracts:

8 \$ 341,334

9 The department of corrections shall use funds appropriated
10 by this subsection to continue to contract for the services of
11 a Muslim imam.

12 4. For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-time
14 equivalent positions at the correctional training center at
15 Mt. Pleasant:

16 \$ 381,095

17 FTEs 7.16

18 5. For annual payment relating to the financial
19 arrangement for the construction of expansion in prison
20 capacity as provided in 1989 Iowa Acts, chapter 316, section
21 7, subsection 6:

22 \$ 625,860

23 6. For annual payment relating to the financial
24 arrangement for the construction of expansion in prison
25 capacity as provided in 1990 Iowa Acts, chapter 1257, section
26 24:

27 \$ 3,186,995

28 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
29 SERVICES.

30 1. There is appropriated from the general fund of the
31 state to the department of corrections for the fiscal year
32 beginning July 1, 1994, and ending June 30, 1995, the
33 following amounts, or so much thereof as is necessary, to be
34 allocated as follows:

35 a. For the first judicial district department of

1 correctional services, including the treatment and supervision
2 of probation and parole violators who have been released from
3 the department of corrections violator program, the following
4 amount, or so much thereof as is necessary:

5 \$ 6,226,704

6 (1) The district department shall continue the intensive
7 supervision program established within the district in 1988
8 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
9 "a", and the sex offender treatment program established within
10 the district in 1989 Iowa Acts, chapter 316, section 8,
11 subsection 1, paragraph "a".

12 (2) The district department, in cooperation with the chief
13 judge of the judicial district, shall continue the
14 implementation of a plan to divert low-risk offenders to the
15 least restrictive sanction available.

16 b. For the second judicial district department of
17 correctional services, including the treatment and supervision
18 of probation and parole violators who have been released from
19 the department of corrections violator program, the following
20 amount, or so much thereof as is necessary:

21 \$ 4,791,293

22 (1) The district department shall continue the sex
23 offender treatment program established within the district in
24 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
25 paragraph "b".

26 (2) The district department, in cooperation with the chief
27 judge of the judicial district, shall continue the
28 implementation of a plan to divert low-risk offenders to the
29 least restrictive sanction available.

30 c. For the third judicial district department of
31 correctional services, including the treatment and supervision
32 of probation and parole violators who have been released from
33 the department of corrections violator program, the following
34 amount, or so much thereof as is necessary:

35 \$ 3,114,437

1 (1) The district department shall continue the sex
2 offender treatment program established within the district in
3 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
4 paragraph "c", and the intensive supervision program
5 established within the district in 1990 Iowa Acts, chapter
6 1268, section 6, subsection 3, paragraph "d".

7 (2) The district department, in cooperation with the chief
8 judge of the judicial district, shall continue the
9 implementation of a plan to divert low-risk offenders to the
10 least restrictive sanction available.

11 d. For the fourth judicial district department of
12 correctional services, including the treatment and supervision
13 of probation and parole violators who have been released from
14 the department of corrections violator program, the following
15 amount, or so much thereof as is necessary:

16 \$ 2,316,208

17 (1) The district department shall continue the sex
18 offender treatment program established within the district in
19 1988 Iowa Acts, chapter 1271, section 6, subsection 1,
20 paragraph "d".

21 (2) The district department, in cooperation with the chief
22 judge of the judicial district, shall continue the
23 implementation of a plan to divert low-risk offenders to the
24 least restrictive sanction available.

25 e. For the fifth judicial district department of
26 correctional services, including the treatment and supervision
27 of probation and parole violators who have been released from
28 the department of corrections violator program, the following
29 amount, or so much thereof as is necessary:

30 \$ 8,401,665

31 (1) The district department shall continue the intensive
32 supervision program established within the district in 1988
33 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
34 "e", and shall continue to provide for the rental of
35 electronic monitoring equipment.

1 (2) The district department, in cooperation with the chief
2 judge of the judicial district, shall continue the
3 implementation of a plan to divert low-risk offenders to the
4 least restrictive sanction available.

5 f. For the sixth judicial district department of
6 correctional services, including the treatment and supervision
7 of probation and parole violators who have been released from
8 the department of corrections violator program, the following
9 amount, or so much thereof as is necessary:

10 \$ 6,279,190

11 (1) The district department shall continue the intensive
12 supervision program established within the district in 1988
13 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
14 "f", and the sex offender treatment program established within
15 the district in 1989 Iowa Acts, chapter 316, section 8,
16 subsection 1, paragraph "f".

17 (2) The district department, in cooperation with the chief
18 judge of the judicial district, shall continue the
19 implementation of a plan to divert low-risk offenders to the
20 least restrictive sanction available.

21 (3) The district department shall continue the
22 implementation of a plan providing for the expanded use of
23 intermediate criminal sanctions, as provided in 1993 Iowa
24 Acts, chapter 171, section 6, subsection 1, paragraph "f",
25 subparagraph (3).

26 (4) Of the funds appropriated in this paragraph, the
27 district department shall use not more than \$40,000, to
28 provide for financial arrangements, including entering a
29 lease-purchase agreement, for the relocation of the Cedar
30 Rapids community corrections center.

31 g. For the seventh judicial district department of
32 correctional services, including the treatment and supervision
33 of probation and parole violators who have been released from
34 the department of corrections violator program, the following
35 amount, or so much thereof as is necessary:

1 \$ 4,229,668

2 (1) The district department shall continue the intensive
3 supervision program established within the district in 1988
4 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
5 "g", and shall continue the sex offender treatment program
6 established within the district in 1989 Iowa Acts, chapter
7 316, section 8, subsection 1, paragraph "g".

8 (2) The district department shall continue the job
9 development program established within the district in 1990
10 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph
11 "e".

12 (3) The district department, in cooperation with the chief
13 judge of the judicial district, shall continue the
14 implementation of a plan to divert low-risk offenders to the
15 least restrictive sanction available.

16 h. For the eighth judicial district department of
17 correctional services, including the treatment and supervision
18 of probation and parole violators who have been released from
19 the department of corrections violator program, the following
20 amount, or so much thereof as is necessary:

21 \$ 3,627,205

22 (1) The district department shall continue the intensive
23 supervision program established within the district in 1988
24 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph
25 "h", and shall continue the sex offender treatment program
26 established within the district in 1989 Iowa Acts, chapter
27 316, section 8, subsection 1, paragraph "h".

28 (2) The district department, in cooperation with the chief
29 judge of the judicial district, shall continue the
30 implementation of a plan to divert low-risk offenders to the
31 least restrictive sanction available.

32 i. For the department of corrections for the assistance
33 and support of each judicial district department of
34 correctional services, the following amount, or so much
35 thereof as is necessary:

1 \$ 85,817

2 2. The department of corrections shall continue the OWI
3 facilities established in 1986 Iowa Acts, chapter 1246,
4 section 402, in compliance with the conditions specified in
5 that section.

6 3. The department of corrections shall continue to
7 contract with a judicial district department of correctional
8 services to provide for the rental of electronic monitoring
9 equipment which shall be available statewide.

10 4. Each judicial district department of correctional
11 services and the department of corrections shall continue the
12 treatment alternatives to street crime programs established in
13 1989 Iowa Acts, chapter 225, section 9.

14 5. The first, sixth, and eighth judicial district
15 departments of correctional services and the department of
16 corrections shall continue the job training and development
17 grant programs established in 1989 Iowa Acts, chapter 316,
18 section 7, subsection 2.

19 6. The department of corrections shall not make an
20 intradepartmental transfer of moneys appropriated to the
21 department, unless notice of the intradepartmental transfer is
22 given prior to its effective date to the legislative fiscal
23 bureau. The notice shall include information on the
24 department's rationale for making the transfer and details
25 concerning the work load and performance measures upon which
26 the transfers are based.

27 7. The governor's alliance on substance abuse shall
28 consider federal grants made to the department of corrections
29 for the benefit of each of the eight judicial district
30 departments of correctional services as local government
31 grants, as defined pursuant to federal regulations.

32 8. Each judicial district department of correctional
33 services shall provide a report concerning the treatment and
34 supervision of probation and parole violators who have been
35 released from the department of corrections violator program,

1 to the co-chairpersons and ranking members of the joint
2 appropriations subcommittee on the justice system and the
3 legislative fiscal bureau, on or before January 15, 1995.
4 9. It is the intent of the general assembly that each
5 judicial district department of correctional services shall
6 operate the community-based correctional facilities in a
7 manner which provides for a residential population of at least
8 110 percent of the design capacity of the facility.

9 Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from
10 the general fund of the state to the judicial department for
11 the fiscal year beginning July 1, 1994, and ending June 30,
12 1995, the following amounts, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 1. For salaries of supreme court justices, appellate court
15 judges, district court judges, district associate judges,
16 judicial magistrates and staff, state court administrator,
17 clerk of the supreme court, district court administrators,
18 clerks of the district court, trial court supervisors, trial
19 court technicians II, financial supervisors I and II, juvenile
20 court officers, board of law examiners and board of examiners
21 of shorthand reporters and judicial qualifications commission,
22 receipt and disbursement of child support payments,
23 reimbursement of the auditor of state for expenses incurred in
24 completing audits of the offices of the clerks of the district
25 court during the fiscal year beginning July 1, 1994, and
26 maintenance, equipment, and miscellaneous purposes:

27 \$ 81,470,924

28 a. The judicial department, except for purposes of
29 internal processing, shall use the current state budget
30 system, the state payroll system, and the Iowa finance and
31 accounting system in administration of programs and payments
32 for services, and shall not duplicate the state payroll,
33 accounting, and budgeting systems.

34 b. The judicial department shall submit monthly financial
35 statements to the legislative fiscal bureau and the department

1 of management containing all appropriated accounts in the same
2 manner as provided in the monthly financial status reports and
3 personal services usage reports of the department of revenue
4 and finance. The monthly financial statements shall include a
5 comparison of the dollars and percentage spent of budgeted
6 versus actual revenues and expenditures on a cumulative basis
7 for full-time equivalent positions and dollars.

8 c. It is the intent of the general assembly that counties
9 installing new telephone systems shall provide those systems
10 to all judicial department offices within the county at no
11 cost.

12 d. Of the funds appropriated in this subsection, not more
13 than \$1,897,728 may be transferred into the revolving fund
14 established pursuant to section 602.1302, subsection 3, to be
15 used for the payment of jury and witness fees and mileage.

16 e. The judicial department shall use not more than
17 \$150,000 of the funds appropriated in this subsection for
18 educational purposes in implementing the recommendations of
19 the equality in the courts task force. The judicial
20 department, in cooperation and consultation with the
21 prosecuting attorneys training coordinator, shall use the
22 funds so appropriated for the education and training of
23 employees of the judicial department and prosecuting
24 attorneys, as defined in section 13A.1.

25 f. Of the funds appropriated in this subsection, the
26 judicial department shall use not more than \$50,000 for the
27 purchase of critically needed equipment and furniture.

28 g. Of the funds appropriated in this subsection, the
29 judicial department shall use not more than \$35,000 to
30 reestablish the court appointed special advocate program in
31 Woodbury county.

32 h. Of the funds appropriated pursuant to this subsection,
33 the judicial department shall use not more than \$1,115,000 for
34 increasing the existing capacity of the Iowa court information
35 system by extending the system into additional counties.

1 However, the funds shall not be used to expand the
2 applications of the system for purposes other than those for
3 which the system is currently used, and the judicial
4 department shall focus efforts in utilizing the funds referred
5 to in this paragraph upon the collection of delinquent fines,
6 penalties, court costs, fees, surcharges, or similar amounts.
7 The judicial department shall investigate the most efficient
8 way to complete the expansion of the department's entire
9 communication and information management system, and include
10 this information in a report to be submitted to the co-
11 chairpersons and ranking members of the joint appropriations
12 subcommittee on the justice system and the legislative fiscal
13 bureau, on or before January 15, 1995.

14 h. It is the intent of the general assembly that the
15 offices of the clerks of the district court operate in all
16 ninety-nine counties and be accessible to the public as much
17 as is reasonably possible in order to address the relative
18 needs of the citizens of each county.

19 i. The judicial department shall report to the co-
20 chairpersons and ranking members of the joint appropriations
21 subcommittee on the justice system by February 1, 1995,
22 concerning an evaluation of the needs of the court system,
23 particularly resources necessary to meet the increasing
24 demands on the courts. The report shall also identify
25 legislative changes which would reduce or alleviate the
26 workload of the courts.

27 j. The judicial department shall use a portion of the
28 funds appropriated in this subsection for educating and
29 training the appropriate court personnel in alternative
30 dispute resolution techniques.

31 2. For the juvenile victim restitution program:
32 \$ 131,663

33 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
34 appropriated from the general fund of the state to the
35 judicial department for the fiscal year beginning July 1,

1 1994, and ending June 30, 1995, the following amount, or so
2 much thereof as is necessary, to be used for the purpose
3 designated:

4 For the Iowa court information system:
5 \$ 857,500

6 1. The judicial department shall not change the
7 appropriations from the amounts appropriated in this section,
8 unless notice of the revisions is given prior to their
9 effective date to the legislative fiscal bureau. The notice
10 shall include information on the department's rationale for
11 making the changes and details concerning the work load and
12 performance measures upon which the changes are based.

13 2. The judicial department shall provide a report
14 semiannually to the co-chairpersons and ranking members of the
15 joint appropriations subcommittee on the justice system and
16 the legislative fiscal bureau specifying the amounts of fines,
17 surcharges, and court costs collected using the Iowa court
18 information system. The report shall demonstrate and specify
19 how the Iowa court information system is used to improve the
20 collection process. The report shall also compare fines,
21 surcharges, and court costs collected in selected counties
22 which are using an automated system versus the amounts
23 collected in at least three counties which are not using an
24 automated system.

25 Sec. 9. JUDICIAL RETIREMENT FUND. There is appropriated
26 from the general fund of the state to the judicial retirement
27 fund for the fiscal year beginning July 1, 1994, and ending
28 June 30, 1995, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 For the state's contribution to the judicial retirement
31 fund established in section 602.9104, in the amount of 23.7
32 percent of the basic salaries of the judges covered under
33 chapter 602, article 9:
34 \$ 3,150,915

35 If House File 2368 or Senate File 2251 is not enacted by

1 the Seventy-fifth General Assembly, 1994 Regular Session, in a
2 manner which enacts a new section 602.9104A or other provision
3 to prohibit the deposit of certain court revenues in the
4 judicial retirement fund, then the appropriation provided in
5 this section is reduced by \$2,019,682. If Senate File 413 is
6 not enacted by the Seventy-fifth General ASsembly, 1994
7 Regular Session, in a manner which provides for an increase in
8 certain court costs, fees, fines, penalties, surcharges,
9 forfeited bail, or similar charges collected by the court and
10 the ultimate deposit of at least some of the increase in the
11 general fund of the state, then the appropriation in this
12 section is reduced by \$752,000. If both of the contingencies
13 specified in this paragraph occur, the appropriation provided
14 in this section is reduced by \$2,771,682. The judicial
15 department shall file a report with the legislative fiscal
16 bureau for each quarter of the fiscal year commencing July 1,
17 1994, detailing any additional amounts deposited in the
18 general fund of the state as a result of the provisions of
19 Senate File 413, if enacted.

20 Sec. 10. AUTOMATED DATA SYSTEM. The department of
21 corrections, judicial district departments of correctional
22 services, board of parole, and the judicial department shall
23 continue to develop an automated data system for use in the
24 sharing of information between the department of corrections,
25 judicial district departments of correctional services, board
26 of parole, and the judicial department. The information to be
27 shared shall concern any individual who may, as the result of
28 an arrest or infraction of any law, be subject to the
29 jurisdiction of the department of corrections, judicial
30 district departments of correctional services, or board of
31 parole. The department of corrections, in consultation and
32 cooperation with the judicial district departments of
33 correctional services, the board of parole, and the judicial
34 department, shall provide a report concerning the development
35 of the automated data system to the co-chairpersons and

1 ranking members of the joint appropriations subcommittee on
2 the justice system and the legislative fiscal bureau, on or
3 before January 15, 1995.

4 Sec. 11. PLACEMENTS FOR ELDERLY, MENTALLY ILL, MENTALLY
5 RETARDED, OR INFIRM INMATES. The department of corrections,
6 board of parole, Iowa department of public health, department
7 of human services, department of elder affairs, and department
8 of inspections and appeals shall cooperate in developing
9 community-based placements for elderly, mentally ill, mentally
10 retarded, or infirm inmates who, by nature of their medical
11 and criminal histories, are deemed to be low-risk for
12 committing future public offenses. Community-based placements
13 may include, but are not limited to, county care facilities,
14 retirement homes, or veterans' homes. The departments shall
15 consider the potential for these community-based placement
16 facilities to obtain federal funds for providing services to
17 these inmates. The department of corrections shall develop a
18 parole plan for these inmates once a community-based placement
19 has been developed. The department of corrections shall
20 identify those inmates who are ineligible for parole in the
21 near future, but who would otherwise qualify for community-
22 based placements under this section, and shall issue a request
23 for proposals on or before November 1, 1994, from private
24 institutions which would be able to accept transfers of such
25 inmates in accordance with section 904.503. In preparing the
26 request for proposals, the department shall include relevant
27 information concerning the availability of funding sources to
28 assist in the payment of services for such inmates. The
29 department of corrections shall provide a report concerning
30 the activities of developing community-based placements for
31 elderly or infirm inmates to the co-chairpersons and ranking
32 members of the joint appropriations subcommittee on the
33 justice system and the legislative fiscal bureau, on or before
34 January 15, 1995.

35 Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING.

1 The state prison industries board and the department of
2 corrections shall continue the implementation of a plan to
3 enhance vocational training opportunities within the
4 correctional institutions listed in section 904.102, as
5 provided in 1993 Iowa Acts, chapter 171, section 12. The plan
6 shall provide for increased vocational training opportunities
7 within the correctional institutions, including the
8 possibility of approving community college credit for inmates
9 working in prison industries. The department of corrections
10 shall provide a report concerning the implementation of the
11 plan to the co-chairpersons and ranking members of the joint
12 appropriations subcommittee on the justice system and the
13 legislative fiscal bureau, on or before January 15, 1995.

14 Sec. 13. MONEYS RECOVERED THROUGH COURT-APPOINTED RECEIVER -
15 - NONREVERSION -- USES OF FUNDS.

16 1. As used in this section, unless the context otherwise
17 requires, "recovered funds" means moneys which were
18 appropriated to the department of corrections in previous
19 fiscal years for the purposes of the judicial district
20 departments of correctional services, which have been
21 recovered in the fiscal year commencing July 1, 1993, as a
22 result of the actions of the court-appointed receiver in
23 litigation pertaining to the Iowa trust matter, and which
24 would otherwise be deposited in the general fund of the state.

25 2. Notwithstanding any other provision of law to the
26 contrary, recovered funds shall not revert to the general fund
27 of the state at the end of the fiscal year commencing July 1,
28 1993, but shall be available to and transferred by the
29 department of corrections, in the manner and in the amounts
30 specified in subsection 3. Recovered funds shall be deemed
31 dedicated to the purposes specified in this section, rather
32 than the original purposes for which the moneys were
33 appropriated.

34 3. Notwithstanding any other provision of law to the
35 contrary, the department of corrections shall transfer and

1 remit recovered funds as follows:

2 a. The department of corrections shall make available
3 \$150,000 of the recovered funds to the first judicial district
4 department of correctional services, for use in the fiscal
5 year commencing July 1, 1994, to pay for the construction of 8
6 additional community-based corrections residential beds at the
7 West Union community-based correctional facility.

8 b. The department of corrections shall transfer \$148,500
9 to the second judicial district department of correctional
10 services, for use in the fiscal year commencing July 1, 1994,
11 to make the financial arrangements necessary to relocate the
12 Marshalltown community-based correctional facility, and to
13 increase the number of community-based corrections residential
14 beds at the relocated facility, from the current 24
15 residential beds to 40 residential beds. The second judicial
16 district department of correctional services shall use the
17 recovered funds transferred by this paragraph to pay the
18 initial costs connected with the relocation and construction
19 project, including but not limited to, architectural fees,
20 costs associated with obtaining lease-purchase financing, and
21 additional equipment needs.

22 c. The department of corrections shall remit the
23 additional recovered funds not otherwise transferred or made
24 available in this subsection to the treasurer of state, the
25 recovered funds shall be available to the judicial department,
26 and the treasurer of state shall transfer and distribute the
27 recovered funds to the judicial department for use in the
28 fiscal year commencing July 1, 1994. The judicial department
29 shall use the recovered funds for the purposes specified, and
30 subject to the limitations enumerated, in section 7,
31 subsection 1 of this Act, and the amounts available to the
32 judicial department through the use of recovered funds shall
33 be in addition to any moneys otherwise appropriated in this
34 Act.

35 4. The department of corrections, the first and second

1 judicial district departments of correctional services, and
2 the judicial department shall use recovered funds for the
3 purposes specified in this section in the fiscal year
4 commencing July 1, 1994, and any funds which are unexpended at
5 the end of the fiscal year commencing July 1, 1994, shall
6 revert to the general fund of the state.

7 Sec. 14. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

8 1. As used in this section, unless the context otherwise
9 requires, "state agency" means the government of the state of
10 Iowa, including but not limited to all executive departments,
11 agencies, boards, bureaus, and commissions, the judicial
12 department, the general assembly and all legislative agencies,
13 institutions within the purview of the state board of regents,
14 and any corporation whose primary function is to act as an
15 instrumentality of the state.

16 2. State agencies are hereby encouraged to purchase
17 products from Iowa state industries, as defined in section
18 904.802, when purchases are required and the products are
19 available from Iowa state industries.

20 Sec. 15. INDIGENT DEFENSE COSTS. The supreme court shall
21 submit a written report for the preceding fiscal year no later
22 than January 1 of each year indicating the amounts collected
23 pursuant to section 815.9A, relating to recovery of indigent
24 defense costs. The report shall include the total amount
25 collected by all courts, as well as the amounts collected by
26 each judicial district. The supreme court shall also submit a
27 written report quarterly indicating the number of criminal and
28 juvenile filings which occur in each judicial district for
29 purposes of estimating indigent defense costs. A copy of each
30 report shall be provided to the public defender, the
31 department of management, and the legislative fiscal bureau.

32 Sec. 16. ICIS INTERIM STUDY. The legislative council is
33 requested to establish an interim study committee to examine
34 issues pertaining to the Iowa court information system (ICIS),
35 as well as to consider the most efficient way to complete the

1 expansion of the judicial department's entire communication
2 and information management system. In addition, the study
3 shall consider methods for using ICIS to enhance the
4 collection of delinquent fines, penalties, court costs, fees,
5 surcharges, or similar amounts. The interim study committee
6 shall also investigate methods for making ICIS compatible with
7 other computer systems utilized by the state. The interim
8 study committee shall report its findings and recommendations
9 to the legislative council on or before January 31, 1995.

10 Sec. 17. 1993 Iowa Acts, chapter 171, section 11,
11 subsection 4, is amended to read as follows:

12 4. The task force shall submit the plan to the governor
13 and the general assembly on or before ~~June-30, 1994~~ January
14 15, 1995.

15 Sec. 18. EFFECTIVE DATES.

16 1. Section 1, subsections 3 and 4, of this Act, relating
17 to Iowa competition law or antitrust actions and to civil
18 consumer fraud actions, being deemed of immediate importance,
19 take effect upon enactment.

20 2. Section 13 of this Act, pertaining to the nonreversion,
21 transfer, and distribution of certain moneys recovered by a
22 court-appointed receiver, being deemed of immediate
23 importance, takes effect upon enactment.

24 3. Section 17 of this Act, relating to the date for
25 submission of a plan by the intermediate criminal sanctions
26 task force, being deemed of immediate importance, takes effect
27 upon enactment.

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HOUSE FILE 2350

S-5570

- 1 Amend House File 2350, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 6, line 28, by striking the figure "211"
4 and inserting the following: "221".
- 5 2. Page 6, line 33, by striking the figure
6 "18,498,730" and inserting the following:
7 "18,723,730".
- 8 3. Page 6, line 34, by striking the figure
9 "356.25" and inserting the following: "366.25".
- 10 4. Page 19, line 27, by striking the figure
11 "81,470,924" and inserting the following:
12 "81,245,924".
- 13 5. Page 20, by striking lines 25 through 27.
- 14 6. Page 20, line 33, by striking the figure
15 "1,115,000" and inserting the following: "940,000".
- 16 7. Page 26, line 1, by striking the word "remit"
17 and inserting the following: "use".
- 18 8. Page 26, by striking lines 22 through 34 and
19 inserting the following:
20 "c. The department of corrections shall use any
21 additional recovered funds not otherwise transferred
22 or made available pursuant to this subsection for the
23 employment of additional correctional officers at the
24 Anamosa correctional facility, including salaries,
25 support, and miscellaneous purposes, as provided in
26 section 4, subsection 1, paragraph "b" of this Act."
- 27 9. Page 26, line 35, by striking the word
28 "corrections," and inserting the following:
29 "corrections and".
- 30 10. Page 27, lines 1 and 2, by striking the words
31 ", and the judicial department".
- 32 11. By renumbering, relettering, redesignating,
33 and correcting internal references as necessary.

By ANDY McKEAN

S-5570 FILED APRIL 12, 1994

Out of Order 4-13-94
(P. 1196)

HOUSE FILE 2350

S-5416

1 Amend House File 2350, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 28, by inserting before line 10 the
4 following:

5 "Sec. ____ . Section 607A.5, Code 1993, is amended
6 to read as follows:

7 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

8 A person shall be excused from jury service if the
9 person submits written documentation verifying, to the
10 court's satisfaction, that the person is solely
11 responsible for the daily care of a permanently
12 disabled person living in the person's household and
13 that the performance of juror service would cause
14 substantial risk of injury to the health of the
15 disabled person, or that the person is the mother of a
16 breastfed child and is responsible for the daily care
17 of the child. However, if the person is regularly
18 employed at a location other than the person's
19 household, the person shall not be excused under this
20 section."

21 2. By renumbering and correcting internal
22 references as necessary.

By MERLIN E. BARTZ

S-5416 FILED APRIL 4, 1994

out of order
4/13/94 (p. 197)

HOUSE FILE 2350

S-5501

1 Amend House File 2350, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 9 the
4 following:

5 "Sec. ____ . SENTENCING STUDY. The legislative
6 council is requested to establish an interim study
7 committee to review current criminal penalties and
8 sentencing practices, including but not limited to the
9 effects of mandatory minimum penalties on sentencing
10 practices and the effects of sentencing practices on
11 inmate populations at state and adult and residential
12 community-based correctional facilities. The
13 committee shall also conduct a comparative assessment
14 of the relative penalties imposed for various crimes
15 based not only on the threat posed by the prohibited
16 criminal conduct, but also by the risk generally
17 associated with particular criminal offenders."

18 2. By renumbering and correcting internal
19 references as necessary.

By ANDY MCKEAN
AL STURGEON
DONALD B. REDFERNTOM VILSACK
MICHAEL E. GRONSTAL

S-5501 FILED APRIL 6, 1994

out of order
4/13/94 (p. 197)

HOUSE FILE 2350

S-5575

1 Amend House File 2350, as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 27, by inserting before line 7 the
4 following:

5 "Sec. ____ . CLOSING OF WOODWARD STATE HOSPITAL-
6 SCHOOL AND CONVERSION TO MINIMUM SECURITY PRISON --
7 TRANSITION.

8 1. The department of human services and the
9 department of corrections shall develop a plan to
10 close the Woodward state hospital-school and to
11 renovate the facility into a 500-bed minimum security
12 prison for men by July 1, 1997. During the three-year
13 transition period, residents from the Woodward state
14 hospital-school shall be placed first at the Glenwood
15 state hospital-school, and if additional space is
16 necessary, shall be placed at the Cherokee state
17 mental health institute, notwithstanding any
18 provisions of section 226.8 to the contrary.

19 2. The department of human services and the
20 department of corrections shall submit a plan to the
21 general assembly and the governor on or before January
22 9, 1995, detailing the steps that have been
23 implemented and the steps to be taken during the
24 transition period, including renovations necessary to
25 the Woodward state hospital-school, the Glenwood state
26 hospital-school, and the Cherokee state mental health
27 institute, as well as the costs of such renovations
28 and the costs of operating the facilities throughout
29 the transition. In addition, the plan shall specify
30 any statutory changes necessary to fully implement
31 this section."

32 2. By renumbering as necessary.

By JOHN P. KIBBIE
BERL E. PRIEBE

S-5575 FILED APRIL 12, 1994

out of order 4-13-94
(P. 1196)

HOUSE FILE 2350

S-5571

1 Amend House File 2350, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 6, line 23, by inserting after the word
4 "officers," the following: "the purchase of radios,
5 emergency notification equipment, surveillance
6 cameras, and other necessary surveillance and
7 emergency response equipment,".

8 2. Page 6, line 25, by striking the figure
9 "24,705,497" and inserting the following:
10 "24,855,497".

11 3. Page 6, by inserting after line 26 the
12 following:

13 "The department of corrections shall use not more
14 than \$150,000 of the funds appropriated in this
15 paragraph for the purchase of radios, emergency
16 notification equipment, surveillance cameras, and
17 other necessary surveillance and emergency response
18 equipment, for use in the Fort Madison correctional
19 facility."

20 4. Page 19, line 27, by striking the figure
21 "81,470,924" and inserting the following:
22 "81,320,924".

23 5. Page 20, line 33, by striking the figure
24 "1,115,000" and inserting the following: "965,000".

By EUGENE S. FRAISE
ROBERT E. DVORSKY

TOM VILSACK
DON E. GETTINGS

S-5571 FILED APRIL 12, 1994

out of order 4/13/94
(p.1196)

HOUSE FILE 2350

S-5582

1 Amend House File 2350, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 23, by inserting after line 19 the fol-
4 lowing:

5 "Sec. ____ . COURT TECHNOLOGY AND MODERNIZATION. If
6 Senate File 413 or similar legislation is not enacted
7 by the Seventy-fifth General Assembly, second regular
8 session, in a manner which establishes a court
9 technology and modernization fund as a separate fund
10 in the state treasury, with an allocation of
11 \$1,000,000 of court revenues to the fund, then there
12 is appropriated from the general fund of the state to
13 the judicial department for the fiscal year beginning
14 July 1, 1994, and ending June 30, 1995, the following
15 amount, or so much thereof as is necessary, to be used
16 for the purpose designated:

17 For modernization and enhancement of court tech-
18 nology:

19 \$ 1,000,000

20 1. The judicial department shall use not more than
21 \$800,000 of the moneys, if appropriated pursuant to
22 this section, to enhance the ability of the judicial
23 department to process cases more quickly and
24 efficiently, to electronically transmit information to
25 state government, local governments, law enforcement
26 agencies, and the public, and to improve public access
27 to the court system. The moneys specified in this
28 subsection shall not be used for the Iowa court
29 information system.

30 2. The judicial department shall use not more than
31 \$200,000 of the moneys, if appropriated pursuant to
32 this section, in equal amounts to facilitate
33 alternative dispute resolution and methods to resolve
34 domestic abuse cases, which may include personnel for
35 hearings under section 236.4."

36 2. By renumbering and correcting internal
37 references as necessary.

By TOM VILSACK

S-5582 FILED APRIL 12, 1994

out of order 4/13/94 (P. 1196)

HOUSE FILE 2350

S-5585

1 Amend House File 2350, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. DEPARTMENT OF JUSTICE. There is
6 appropriated from the general fund of the state to the
7 department of justice for the fiscal year beginning
8 July 1, 1994, and ending June 30, 1995, the following
9 amounts, or so much thereof as is necessary, to be
10 used for the purposes designated:

11 1. For the general office of attorney general for
12 salaries, support, maintenance, miscellaneous purposes
13 including odometer fraud enforcement, and for not more
14 than the following full-time equivalent positions:

15	\$	4,752,448
16	FTEs	169.00

17 2. Prosecuting attorney training program for
18 salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21	\$	113,326
22	FTEs	4.00

23 a. In addition to the funds appropriated in this
24 subsection for the fiscal year beginning July 1, 1994,
25 and ending June 30, 1995, the attorney general shall
26 provide up to \$41,000 in state matching funds from
27 moneys retained by the attorney general from property
28 forfeited pursuant to section 809.13, for the
29 prosecuting attorney training program, the prosecuting
30 intern program, or both. Counties participating in
31 the prosecuting intern program shall match the state
32 funds.

33 b. In addition to the funds appropriated in this
34 subsection for the fiscal year beginning July 1, 1994,
35 and ending June 30, 1995, and the moneys retained by
36 the attorney general pursuant to paragraph "a", the
37 attorney general shall provide up to \$10,000 in state
38 matching funds from moneys retained by the attorney
39 general from property forfeited pursuant to section
40 809.13, for the office of the prosecuting attorneys
41 training coordinator to use for continuation of the
42 domestic violence response enhancement program
43 established in accordance with 1992 Iowa Acts, chapter
44 1240, section 1, subsection 2, paragraph "b".

45 c. The prosecuting attorneys training coordinator
46 shall cooperate and consult with the judicial
47 department, as otherwise provided in this Act, to
48 provide for the education and training of prosecuting
49 attorneys, as defined in section 13A.1, in
50 implementing the recommendations of the equality in

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1 the courts task force.

2 d. The prosecuting attorneys training program
3 shall use a portion of the funds appropriated in this
4 subsection for educating and training prosecuting
5 attorneys, as defined in section 13A.1, in alternative
6 dispute resolution techniques.

7 3. In addition to the funds appropriated in
8 subsection 1, there is appropriated from the general
9 fund of the state to the department of justice for the
10 fiscal year beginning July 1, 1994, and ending June
11 30, 1995, an amount not exceeding \$200,000 to be used
12 for the enforcement of the Iowa competition law. The
13 expenditure of the funds appropriated in this
14 subsection is contingent upon receipt by the general
15 fund of the state of an amount at least equal to
16 either the expenditures from damages awarded to the
17 state or a political subdivision of the state by a
18 civil judgment under chapter 553, if the judgment
19 authorizes the use of the award for enforcement
20 purposes or costs or attorneys fees awarded the state
21 in state or federal antitrust actions. However, if
22 the funds received as a result of these judgments are
23 in excess of \$200,000, the excess funds shall not be
24 appropriated to the department of justice pursuant to
25 this subsection.

26 4. In addition to the funds appropriated in
27 subsection 1, there is appropriated from the general
28 fund of the state to the department of justice for the
29 fiscal year beginning July 1, 1994, and ending June
30 30, 1995, an amount not exceeding \$125,000 to be used
31 for public education relating to consumer fraud and
32 for enforcement of section 714.16, and an amount not
33 exceeding \$75,000 for investigation, prosecution, and
34 consumer education relating to consumer and criminal
35 fraud against older Iowans. The expenditure of the
36 funds appropriated in this subsection is contingent
37 upon receipt by the general fund of the state of an
38 amount at least equal to the expenditures from damages
39 awarded to the state or a political subdivision of the
40 state by a civil consumer fraud judgment or
41 settlement, if the judgment or settlement authorizes
42 the use of the award for public education on consumer
43 fraud. However, if the funds received as a result of
44 these judgments and settlements are in excess of
45 \$200,000, the excess funds shall not be appropriated
46 to the department of justice pursuant to this
47 subsection.

48 5. For victim assistance grants:

49 \$ 1,359,812
50 a. The funds appropriated in this subsection shall

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1 be used to provide grants to care providers providing
2 services to crime victims of domestic abuse or to
3 crime victims of rape and sexual assault.

4 b. Notwithstanding section 8.33 or 8.39, any
5 balance remaining from the appropriation made pursuant
6 to this subsection shall not revert to the general
7 fund of the state but shall be available for
8 expenditure during the subsequent fiscal year for the
9 same purpose, and shall not be transferred to any
10 other program.

11 6. For the GASA prosecuting attorney program and
12 for not more than the following full-time equivalent
13 positions:

14	\$	102,927
15	FTEs	3.00

16 7. The balance of the victim compensation fund
17 established under section 912.14 may be used to
18 provide salary and support of not more than 9.00 FTEs
19 and to provide maintenance for the victim compensation
20 functions of the department of justice.

21 8. The department of justice shall submit monthly
22 financial statements to the legislative fiscal bureau
23 and the department of management containing all
24 appropriated accounts in the same manner as provided
25 in the monthly financial status reports and personal
26 services usage reports of the department of revenue
27 and finance. The monthly financial statements shall
28 include comparisons of the moneys and percentage spent
29 of budgeted to actual revenues and expenditures on a
30 cumulative basis for full-time equivalent positions
31 and available moneys.

32 9. a. The department of justice, in submitting
33 budget estimates pursuant to section 8.23, shall
34 include a report of funding from sources other than
35 amounts appropriated directly from the general fund of
36 the state to the department of justice or to the
37 office of consumer advocate. These funding sources
38 shall include, but are not limited to, reimbursements
39 from other state agencies, commissions, boards, or
40 similar entities, and reimbursements from special
41 funds or internal accounts within the department of
42 justice. The department of justice shall report
43 actual reimbursements for the fiscal year commencing
44 July 1, 1993, and actual and expected reimbursements
45 for the fiscal year commencing July 1, 1994.

46 b. The department of justice shall include the
47 report required under paragraph "a", as well as
48 information regarding any revisions occurring as a
49 result of reimbursements actually received or expected
50 at a later date, in a report to the co-chairpersons

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1 and ranking members of the joint appropriations
2 subcommittee on the justice system and the legislative
3 fiscal bureau. The department of justice shall submit
4 the report on or before January 15, 1995.

5 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
6 appropriated from the general fund of the state to the
7 office of consumer advocate of the department of
8 justice for the fiscal year beginning July 1, 1994,
9 and ending June 30, 1995, the following amount, or so
10 much thereof as is necessary, to be used for the
11 purposes designated:

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15 \$ 2,040,396
16 FTEs 32.00

17 Sec. 3. BOARD OF PAROLE. There is appropriated
18 from the general fund of the state to the board of
19 parole for the fiscal year beginning July 1, 1994, and
20 ending June 30, 1995, the following amount, or so much
21 thereof as is necessary, to be used for the purposes
22 designated:

23 For salaries, support, maintenance, including
24 maintenance of an automated docket and the board's
25 automated risk assessment model, employment of two
26 statistical research analysts to assist with the
27 application of the risk assessment model in the parole
28 decision-making process, miscellaneous purposes, and
29 for not more than the following full-time equivalent
30 positions:

31 \$ 778,747
32 FTEs 17.00

33 1. The board of parole shall require the board's
34 administrative staff to be cross-trained to assure
35 that each individual on that staff is familiar with
36 all tasks performed by the staff.

37 2. The department of corrections and the board of
38 parole shall review, and implement as necessary, the
39 findings and recommendations contained in the final
40 report prepared by the consultant and presented to the
41 corrections system review task force which was
42 established by 1988 Iowa Acts, chapter 1271, as they
43 relate to the department of corrections and the board
44 of parole. The board shall submit a report to the co-
45 chairpersons of the joint appropriations subcommittee
46 on the justice system and the legislative fiscal
47 bureau on or before January 16, 1995, detailing steps
48 taken to implement any of the recommendations, and for
49 those recommendations which have not been implemented,
50 specifying the reasons for failing to implement the

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1 recommendations. The report shall include, but is not
 2 limited to, copies of all reports submitted to the
 3 legislative fiscal bureau pursuant to section 906.5,
 4 subsection 2, for the fiscal year commencing July 1,
 5 1994, as well as details pertaining to other steps
 6 taken to implement the recommendations contained in
 7 the fiscal report prepared by the consultant for the
 8 corrections system review task force pertaining to the
 9 early parole of nonviolent property offenders.

10 3. The board of parole shall conduct a study of
 11 the parole process to identify and eliminate bias in
 12 the parole system based upon race, creed, color, sex,
 13 national origin, religion, or disability. The board
 14 of parole shall report its findings and
 15 recommendations to the co-chairpersons and ranking
 16 members of the joint appropriations subcommittee on
 17 the justice system and the legislative fiscal bureau
 18 on or before January 15, 1995.

19 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

20 There is appropriated from the general fund of the
 21 state to the department of corrections for the fiscal
 22 year beginning July 1, 1994, and ending June 30, 1995,
 23 the following amounts, or so much thereof as is
 24 necessary, to be used for the purposes designated:

25 1. For the operation of adult correctional
 26 institutions, to be allocated as follows:

27 a. For the operation of the Fort Madison
 28 correctional facility, including salaries, support,
 29 maintenance, employment of 310 correctional officers,
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32	\$ 24,705,497
33	FTEs 490.50

34 b. For the operation of the Anamosa correctional
 35 facility, including salaries, support, maintenance,
 36 employment of 211 correctional officers and a part-
 37 time chaplain to provide religious counseling to
 38 inmates of a minority race, miscellaneous purposes,
 39 and for not more than the following full-time
 40 equivalent positions:

41	\$ 18,498,730
42	FTEs 356.25

43 Moneys are provided within this appropriation for 2
 44 full-time substance abuse counselors for the Luster
 45 Heights facility, for the purpose of certification of
 46 a substance abuse program at that facility.

47 c. For the operation of the Oakdale correctional
 48 facility, including salaries, support, maintenance,
 49 employment of 159 correctional officers, miscellaneous
 50 purposes, and for not more than the following full-

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1 time equivalent positions:

2	\$ 15,478,173
3 FTEs	320.80

4 d. For the operation of the Newton correctional
 5 facility, including salaries, support, maintenance,
 6 employment of 44 correctional officers, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9	.....	\$ 5,293,526
10	..... FTEs	110.25

11 e. For the operation of the Mt. Pleasant
 12 correctional facility, including salaries, support,
 13 maintenance, employment of 141 correctional officers
 14 and a full-time chaplain to provide religious
 15 counseling at the Oakdale and Mt. Pleasant
 16 correctional facilities, miscellaneous purposes, and
 17 for not more than the following full-time equivalent
 18 positions:

19	.....	\$ 13,219,851
20	..... FTEs	258.92

21 f. For the operation of the Rockwell City
 22 correctional facility, including salaries, support,
 23 maintenance, employment of 58 correctional officers,
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:

26	.....	\$ 5,341,798
27	..... FTEs	112.00

28 g. For the operation of the Clarinda correctional
 29 facility, including salaries, support, maintenance,
 30 employment of 68 correctional officers, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:

33	.....	\$ 6,308,034
34	..... FTEs	136.20

35 h. For the operation of the Mitchellville
 36 correctional facility, including salaries, support,
 37 maintenance, employment of 71.50 correctional
 38 officers, miscellaneous purposes, and for not more
 39 than the following full-time equivalent positions:

40	.....	\$ 6,081,317
41	..... FTEs	133.00

42 The department of corrections shall analyze and
 43 compare policies and guidelines concerning inmates at
 44 the correctional facilities, and shall propose
 45 revisions to the general assembly as necessary to
 46 ensure that male and female inmates have comparable
 47 opportunities for education, vocational education, and
 48 treatment at the state correctional facilities. Where
 49 legislative action is not necessary to ensure
 50 comparable opportunities, the department shall take

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1 administrative action to implement the policies or
2 guidelines needed to accomplish the comparable
3 opportunities mandated by this paragraph. The
4 department shall report the progress on the analysis
5 and comparison of the policies and guidelines, and any
6 changes made, to the co-chairpersons and ranking
7 members of the joint appropriations subcommittee on
8 the justice system and the legislative fiscal bureau
9 on or before December 15, 1994.

10 2. The department of corrections shall provide a
11 report to the co-chairpersons and ranking members of
12 the joint appropriations subcommittee on the justice
13 system and the joint appropriations subcommittee on
14 education, the chairpersons and ranking members of the
15 senate and house standing committees on education, and
16 the legislative fiscal bureau on or before January 15,
17 1995, outlining the implementation of the centralized
18 education program for the correctional system. The
19 report shall include a listing of the educational
20 institutions that are involved, the amount of any
21 federal funds received for use with these programs,
22 and any other pertinent information.

23 3. If the inmate tort claim fund for inmate claims
24 of less than \$50 is exhausted during the fiscal year,
25 sufficient funds shall be transferred from the
26 institutional budgets to pay approved tort claims for
27 the balance of the fiscal year. The warden or
28 superintendent of each institution or correctional
29 facility shall designate an employee to receive,
30 investigate, and recommend whether to pay any properly
31 filed inmate tort claim for less than the above
32 amount. The designee's recommendation shall be
33 approved or denied by the warden or superintendent and
34 forwarded to the department of corrections for final
35 approval and payment. The amounts appropriated to
36 this fund pursuant to 1987 Iowa Acts, chapter 234,
37 section 304, subsection 2, are not subject to
38 reversion under section 8.33.

39 Tort claims denied at the institution shall be
40 forwarded to the state appeal board for their
41 consideration as if originally filed with that body.
42 This procedure shall be used in lieu of chapter 669
43 for inmate tort claims of less than \$50.

44 4. The department of corrections shall submit a
45 plan to the general assembly prior to January 1, 1995,
46 to establish in the institutions a mandatory literacy
47 requirement for all inmates. The plan shall include
48 the following:

49 a. Statistics indicating the current reading and
50 education levels of the average inmate.

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1 b. The funding and number of years necessary for
2 implementation.

3 c. The feasibility of mandating participation and
4 the need for exemptions.

5 d. The availability of sanctions and incentives.

6 e. The special education services for inmates
7 under the age of twenty-one.

8 f. The continuation of educational programming
9 after release.

10 5. The department of corrections, in consultation
11 and cooperation with the judicial district departments
12 of correctional services, board of parole, division of
13 criminal and juvenile justice planning of the
14 department of human rights, and any other applicable
15 state agencies, shall provide a report detailing the
16 steps taken to implement the reports of the
17 consultants retained by the corrections system review
18 task force established by 1988 Iowa Acts, chapter
19 1271, section 14. The department shall provide the
20 report to the co-chairpersons and ranking members of
21 the joint appropriations subcommittee on the justice
22 system and the legislative fiscal bureau, on or before
23 January 15, 1995.

24 Sec. 5. DEPARTMENT OF CORRECTIONS --

25 ADMINISTRATION. There is appropriated from the
26 general fund of the state to the department of
27 corrections for the fiscal year beginning July 1,
28 1994, and ending June 30, 1995, the following amounts,
29 or so much thereof as is necessary, to be used for the
30 purposes designated:

31 1. For general administration, including salaries,
32 support, maintenance, employment of an education
33 director and clerk to administer a centralized
34 education program for the correctional system,
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:

37	\$	2,223,408
38	FTEs	38.52

39 The department shall monitor the use of the
40 classification model by the judicial district
41 departments of correctional services and has the
42 authority to override a district department's decision
43 regarding classification of community-based clients.
44 The department shall notify a district department of
45 the reasons for the override.

46 2. For reimbursement of counties for temporary
47 confinement of work release and parole violators, as
48 provided in sections 901.7, 904.908, and 906.17 and
49 for offenders confined pursuant to section 904.513:

50	\$	237,038
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1 3. For federal prison reimbursement,
 2 reimbursements for out-of-state placements, and
 3 miscellaneous contracts:
 4 \$ 341,334

5 The department of corrections shall use funds
 6 appropriated by this subsection to continue to
 7 contract for the services of a Muslim imam.

8 4. For salaries, support, maintenance,
 9 miscellaneous purposes, and for not more than the
 10 following full-time equivalent positions at the
 11 correctional training center at Mt. Pleasant:
 12 \$ 381,095
 13 FTES 7.16

14 5. For annual payment relating to the financial
 15 arrangement for the construction of expansion in
 16 prison capacity as provided in 1989 Iowa Acts, chapter
 17 316, section 7, subsection 6:
 18 \$ 625,860

19 6. For annual payment relating to the financial
 20 arrangement for the construction of expansion in
 21 prison capacity as provided in 1990 Iowa Acts, chapter
 22 1257, section 24:
 23 \$ 3,186,995

24 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF
 25 CORRECTIONAL SERVICES.

26 1. There is appropriated from the general fund of
 27 the state to the department of corrections for the
 28 fiscal year beginning July 1, 1994, and ending June
 29 30, 1995, the following amounts, or so much thereof as
 30 is necessary, to be allocated as follows:

31 a. For the first judicial district department of
 32 correctional services, including the treatment and
 33 supervision of probation and parole violators who have
 34 been released from the department of corrections
 35 violator program, the following amount, or so much
 36 thereof as is necessary:
 37 \$ 6,226,704

38 (1) The district department shall continue the
 39 intensive supervision program established within the
 40 district in 1988 Iowa Acts, chapter 1271, section 6,
 41 subsection 1, paragraph "a", and the sex offender
 42 treatment program established within the district in
 43 1989 Iowa Acts, chapter 316, section 8, subsection 1,
 44 paragraph "a".

45 (2) The district department, in cooperation with
 46 the chief judge of the judicial district, shall
 47 continue the implementation of a plan to divert low-
 48 risk offenders to the least restrictive sanction
 49 available.

50 b. For the second judicial district department of

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1 correctional services, including the treatment and
2 supervision of probation and parole violators who have
3 been released from the department of corrections
4 violator program, the following amount, or so much
5 thereof as is necessary:

6 \$ 4,791,293

7 (1) The district department shall continue the sex
8 offender treatment program established within the
9 district in 1988 Iowa Acts, chapter 1271, section 6,
10 subsection 1, paragraph "b".

11 (2) The district department, in cooperation with
12 the chief judge of the judicial district, shall
13 continue the implementation of a plan to divert low-
14 risk offenders to the least restrictive sanction
15 available.

16 c. For the third judicial district department of
17 correctional services, including the treatment and
18 supervision of probation and parole violators who have
19 been released from the department of corrections
20 violator program, the following amount, or so much
21 thereof as is necessary:

22 \$ 3,114,437

23 (1) The district department shall continue the sex
24 offender treatment program established within the
25 district in 1988 Iowa Acts, chapter 1271, section 6,
26 subsection 1, paragraph "c", and the intensive
27 supervision program established within the district in
28 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
29 paragraph "d".

30 (2) The district department, in cooperation with
31 the chief judge of the judicial district, shall
32 continue the implementation of a plan to divert low-
33 risk offenders to the least restrictive sanction
34 available.

35 d. For the fourth judicial district department of
36 correctional services, including the treatment and
37 supervision of probation and parole violators who have
38 been released from the department of corrections
39 violator program, the following amount, or so much
40 thereof as is necessary:

41 \$ 2,316,208

42 (1) The district department shall continue the sex
43 offender treatment program established within the
44 district in 1988 Iowa Acts, chapter 1271, section 6,
45 subsection 1, paragraph "d".

46 (2) The district department, in cooperation with
47 the chief judge of the judicial district, shall
48 continue the implementation of a plan to divert low-
49 risk offenders to the least restrictive sanction
50 available.

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1 e. For the fifth judicial district department of
 2 correctional services, including the treatment and
 3 supervision of probation and parole violators who have
 4 been released from the department of corrections
 5 violator program, the following amount, or so much
 6 thereof as is necessary:

7 \$ 8,401,666

8 (1) The district department shall continue the
 9 intensive supervision program established within the
 10 district in 1988 Iowa Acts, chapter 1271, section 6,
 11 subsection 1, paragraph "e", and shall continue to
 12 provide for the rental of electronic monitoring
 13 equipment.

14 (2) The district department, in cooperation with
 15 the chief judge of the judicial district, shall
 16 continue the implementation of a plan to divert low-
 17 risk offenders to the least restrictive sanction
 18 available.

19 f. For the sixth judicial district department of
 20 correctional services, including the treatment and
 21 supervision of probation and parole violators who have
 22 been released from the department of corrections
 23 violator program, the following amount, or so much
 24 thereof as is necessary:

25 \$ 6,279,190

26 (1) The district department shall continue the
 27 intensive supervision program established within the
 28 district in 1988 Iowa Acts, chapter 1271, section 6,
 29 subsection 1, paragraph "f", and the sex offender
 30 treatment program established within the district in
 31 1989 Iowa Acts, chapter 316, section 8, subsection 1,
 32 paragraph "f".

33 (2) The district department, in cooperation with
 34 the chief judge of the judicial district, shall
 35 continue the implementation of a plan to divert low-
 36 risk offenders to the least restrictive sanction
 37 available.

38 (3) The district department shall continue the
 39 implementation of a plan providing for the expanded
 40 use of intermediate criminal sanctions, as provided in
 41 1993 Iowa Acts, chapter 171, section 6, subsection 1,
 42 paragraph "f", subparagraph (3).

43 (4) Of the funds appropriated in this paragraph,
 44 the district department shall use not more than
 45 \$40,000, to provide for financial arrangements,
 46 including entering a lease-purchase agreement, for the
 47 relocation of the Cedar Rapids community corrections
 48 center.

49 g. For the seventh judicial district department of
 50 correctional services, including the treatment and

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1 supervision of probation and parole violators who have
2 been released from the department of corrections
3 violator program, the following amount, or so much
4 thereof as is necessary:

5 \$ 4,229,668

6 (1) The district department shall continue the
7 intensive supervision program established within the
8 district in 1988 Iowa Acts, chapter 1271, section 6,
9 subsection 1, paragraph "g", and shall continue the
10 sex offender treatment program established within the
11 district in 1989 Iowa Acts, chapter 316, section 8,
12 subsection 1, paragraph "g".

13 (2) The district department shall continue the job
14 development program established within the district in
15 1990 Iowa Acts, chapter 1268, section 6, subsection 7,
16 paragraph "e".

17 (3) The district department, in cooperation with
18 the chief judge of the judicial district, shall
19 continue the implementation of a plan to divert low-
20 risk offenders to the least restrictive sanction
21 available.

22 h. For the eighth judicial district department of
23 correctional services, including the treatment and
24 supervision of probation and parole violators who have
25 been released from the department of corrections
26 violator program, the following amount, or so much
27 thereof as is necessary:

28 \$ 3,627,205

29 (1) The district department shall continue the
30 intensive supervision program established within the
31 district in 1988 Iowa Acts, chapter 1271, section 6,
32 subsection 1, paragraph "h", and shall continue the
33 sex offender treatment program established within the
34 district in 1989 Iowa Acts, chapter 316, section 8,
35 subsection 1, paragraph "h".

36 (2) The district department, in cooperation with
37 the chief judge of the judicial district, shall
38 continue the implementation of a plan to divert low-
39 risk offenders to the least restrictive sanction
40 available.

41 i. For the department of corrections for the
42 assistance and support of each judicial district
43 department of correctional services, the following
44 amount, or so much thereof as is necessary:

45 \$ 85,817

46 2. The department of corrections shall continue
47 the OWI facilities established in 1986 Iowa Acts,
48 chapter 1246, section 402, in compliance with the
49 conditions specified in that section.

50 3. The department of corrections shall continue to

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1 contract with a judicial district department of
2 correctional services to provide for the rental of
3 electronic monitoring equipment which shall be
4 available statewide.

5 . 4. Each judicial district department of
6 correctional services and the department of
7 corrections shall continue the treatment alternatives
8 to street crime programs established in 1989 Iowa
9 Acts, chapter 225, section 9.

10 5. The first, sixth, and eighth judicial district
11 departments of correctional services and the
12 department of corrections shall continue the job
13 training and development grant programs established in
14 1989 Iowa Acts, chapter 316, section 7, subsection 2.

15 6. The department of corrections shall not make an
16 intradepartmental transfer of moneys appropriated to
17 the department, unless notice of the intradepartmental
18 transfer is given prior to its effective date to the
19 legislative fiscal bureau. The notice shall include
20 information on the department's rationale for making
21 the transfer and details concerning the work load and
22 performance measures upon which the transfers are
23 based.

24 7. The governor's alliance on substance abuse
25 shall consider federal grants made to the department
26 of corrections for the benefit of each of the eight
27 judicial district departments of correctional services
28 as local government grants, as defined pursuant to
29 federal regulations.

30 8. Each judicial district department of
31 correctional services shall provide a report
32 concerning the treatment and supervision of probation
33 and parole violators who have been released from the
34 department of corrections violator program, to the co-
35 chairpersons and ranking members of the joint
36 appropriations subcommittee on the justice system and
37 the legislative fiscal bureau, on or before January
38 15, 1995.

39 9. It is the intent of the general assembly that
40 each judicial district department of correctional
41 services shall operate the community-based
42 correctional facilities in a manner which provides for
43 a residential population of at least 110 percent of
44 the design capacity of the facility.

45 Sec. 7. JUDICIAL DEPARTMENT. There is
46 appropriated from the general fund of the state to the
47 judicial department for the fiscal year beginning July
48 1, 1994, and ending June 30, 1995, the following
49 amounts, or so much thereof as is necessary, to be
50 used for the purposes designated:

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1 1. For salaries of supreme court justices,
 2 appellate court judges, district court judges,
 3 district associate judges, judicial magistrates and
 4 staff, state court administrator, clerk of the supreme
 5 court, district court administrators, clerks of the
 6 district court, trial court supervisors, trial court
 7 technicians II, financial supervisors I and II,
 8 juvenile court officers, board of law examiners and
 9 board of examiners of shorthand reporters and judicial
 10 qualifications commission, receipt and disbursement of
 11 child support payments, reimbursement of the auditor
 12 of state for expenses incurred in completing audits of
 13 the offices of the clerks of the district court during
 14 the fiscal year beginning July 1, 1994, and
 15 maintenance, equipment, and miscellaneous purposes:

16 \$ 81,470,924

17 a. The judicial department, except for purposes of
 18 internal processing, shall use the current state
 19 budget system, the state payroll system, and the Iowa
 20 finance and accounting system in administration of
 21 programs and payments for services, and shall not
 22 duplicate the state payroll, accounting, and budgeting
 23 systems.

24 b. The judicial department shall submit monthly
 25 financial statements to the legislative fiscal bureau
 26 and the department of management containing all
 27 appropriated accounts in the same manner as provided
 28 in the monthly financial status reports and personal
 29 services usage reports of the department of revenue
 30 and finance. The monthly financial statements shall
 31 include a comparison of the dollars and percentage
 32 spent of budgeted versus actual revenues and
 33 expenditures on a cumulative basis for full-time
 34 equivalent positions and dollars.

35 c. It is the intent of the general assembly that
 36 counties installing new telephone systems shall
 37 provide those systems to all judicial department
 38 offices within the county at no cost.

39 d. Of the funds appropriated in this subsection,
 40 not more than \$1,897,728 may be transferred into the
 41 revolving fund established pursuant to section
 42 602.1302, subsection 3, to be used for the payment of
 43 jury and witness fees and mileage.

44 e. The judicial department shall use not more than
 45 \$150,000 of the funds appropriated in this subsection
 46 for educational purposes in implementing the
 47 recommendations of the equality in the courts task
 48 force. The judicial department, in cooperation and
 49 consultation with the prosecuting attorneys training
 50 coordinator, shall use the funds so appropriated for

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1 the education and training of employees of the
2 judicial department and prosecuting attorneys, as
3 defined in section 13A.1.

4 . f. Of the funds appropriated in this subsection,
5 the judicial department shall use not more than
6 \$50,000 for the purchase of critically needed
7 equipment and furniture.

8 . g. Of the funds appropriated in this subsection,
9 the judicial department shall use not more than
10 \$1,150,000 for increasing the existing capacity of the
11 Iowa court information system by extending the system
12 into additional counties and for the development of a
13 computer software program to allow state agencies to
14 gain access to data in the Iowa court information
15 system. However, the funds shall not be used to
16 expand the applications of the system for purposes
17 other than those for which the system is currently
18 used, and the judicial department shall focus efforts
19 in utilizing the funds referred to in this paragraph
20 upon the collection of delinquent fines, penalties,
21 court costs, fees, surcharges, or similar amounts. Of
22 the funds specified in this paragraph, the judicial
23 department shall use not more than \$20,000 for the
24 development of a computer software program to allow
25 state agencies to gain access to data in the Iowa
26 court information system. The judicial department
27 shall investigate the most efficient way to complete
28 the expansion of the department's entire communication
29 and information management system, and include this
30 information in a report to be submitted to the co-
31 chairpersons and ranking members of the joint
32 appropriations subcommittee on the justice system and
33 the legislative fiscal bureau, on or before January
34 15, 1995.

35 . h. It is the intent of the general assembly that
36 the offices of the clerks of the district court
37 operate in all ninety-nine counties and be accessible
38 to the public as much as is reasonably possible in
39 order to address the relative needs of the citizens of
40 each county.

41 . i. The judicial department shall report to the co-
42 chairpersons and ranking members of the joint
43 appropriations subcommittee on the justice system by
44 February 1, 1995, concerning an evaluation of the
45 needs of the court system, particularly resources
46 necessary to meet the increasing demands on the
47 courts. The report shall also identify legislative
48 changes which would reduce or alleviate the workload
49 of the courts.

50 . j. The judicial department shall use a portion of

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1 the funds appropriated in this subsection for
2 educating and training the appropriate court personnel
3 in alternative dispute resolution techniques.

4 2. For the juvenile victim restitution program:
5 \$ 131,663

6 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
7 appropriated from the general fund of the state to the
8 judicial department for the fiscal year beginning July
9 1, 1994, and ending June 30, 1995, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:

12 For the Iowa court information system:
13 \$ 857,500

14 1. The judicial department shall not change the
15 appropriations from the amounts appropriated in this
16 section, unless notice of the revisions is given prior
17 to their effective date to the legislative fiscal
18 bureau. The notice shall include information on the
19 department's rationale for making the changes and
20 details concerning the work load and performance
21 measures upon which the changes are based.

22 2. The judicial department shall provide a report
23 semiannually to the co-chairpersons and ranking
24 members of the joint appropriations subcommittee on
25 the justice system and the legislative fiscal bureau
26 specifying the amounts of fines, surcharges, and court
27 costs collected using the Iowa court information
28 system. The report shall demonstrate and specify how
29 the Iowa court information system is used to improve
30 the collection process. The report shall also compare
31 fines, surcharges, and court costs collected in
32 selected counties which are using an automated system
33 versus the amounts collected in at least three
34 counties which are not using an automated system.

35 Sec. 9. JUDICIAL RETIREMENT FUND. There is
36 appropriated from the general fund of the state to the
37 judicial retirement fund for the fiscal year beginning
38 July 1, 1994, and ending June 30, 1995, the following
39 amount, or so much thereof as is necessary, to be used
40 for the purpose designated:

41 For the state's contribution to the judicial
42 retirement fund established in section 602.9104, in
43 the amount of 23.7 percent of the basic salaries of
44 the judges covered under chapter 602, article 9:
45 \$ 3,150,915

46 If House File 2418 or Senate File 2251 is not
47 enacted by the Seventy-fifth General Assembly, 1994
48 Regular Session, in a manner which enacts a new
49 section 602.9104A or other provision to prohibit the
50 deposit of certain court revenues in the judicial

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1 retirement fund, then the appropriation provided in
2 this section is reduced by \$2,019,682. If Senate File
3 413 is not enacted by the Seventy-fifth General
4 Assembly, 1994 Regular Session, in a manner which
5 provides for an increase in certain court costs, fees,
6 fines, penalties, surcharges, forfeited bail, or
7 similar charges collected by the court and the
8 ultimate deposit of at least some of the increase in
9 the general fund of the state, then the appropriation
10 in this section is reduced by \$752,000. If both of
11 the contingencies specified in this paragraph occur,
12 the appropriation provided in this section is reduced
13 by \$2,771,682. The judicial department shall file a
14 report with the legislative fiscal bureau for each
15 quarter of the fiscal year commencing July 1, 1994,
16 detailing any additional amounts deposited in the
17 general fund of the state as a result of the
18 provisions of Senate File 413, if enacted.

19 Sec. 10. AUTOMATED DATA SYSTEM. The department of
20 corrections, judicial district departments of
21 correctional services, board of parole, and the
22 judicial department shall continue to develop an
23 automated data system for use in the sharing of
24 information between the department of corrections,
25 judicial district departments of correctional
26 services, board of parole, and the judicial
27 department. The information to be shared shall
28 concern any individual who may, as the result of an
29 arrest or infraction of any law, be subject to the
30 jurisdiction of the department of corrections,
31 judicial district departments of correctional
32 services, or board of parole. The department of
33 corrections, in consultation and cooperation with the
34 judicial district departments of correctional
35 services, the board of parole, and the judicial
36 department, shall provide a report concerning the
37 development of the automated data system to the co-
38 chairpersons and ranking members of the joint
39 appropriations subcommittee on the justice system and
40 the legislative fiscal bureau, on or before January
41 15, 1995.

42 Sec. 11. PLACEMENTS FOR ELDERLY, MENTALLY ILL,
43 MENTALLY RETARDED, OR INFIRM INMATES. The department
44 of corrections, board of parole, Iowa department of
45 public health, department of human services,
46 department of elder affairs, and department of
47 inspections and appeals shall cooperate in developing
48 community-based placements for elderly, mentally ill,
49 mentally retarded, or infirm inmates who, by nature of
50 their medical and criminal histories, are deemed to be

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1 low-risk for committing future public offenses.
2 Community-based placements may include, but are not
3 limited to, county care facilities, retirement homes,
4 or veterans homes. The departments shall consider the
5 potential for these community-based placement
6 facilities to obtain federal funds for providing
7 services to these inmates. The department of
8 corrections shall develop a parole plan for these
9 inmates once a community-based placement has been
10 developed. The department of corrections shall
11 identify those inmates who are ineligible for parole
12 in the near future, but who would otherwise qualify
13 for community-based placements under this section, and
14 shall issue a request for proposals on or before
15 November 1, 1994, from private institutions which
16 would be able to accept transfers of such inmates in
17 accordance with section 904.503. In preparing the
18 request for proposals, the department shall include
19 relevant information concerning the availability of
20 funding sources to assist in the payment of services
21 for such inmates. The department of corrections shall
22 provide a report concerning the activities of
23 developing community-based placements for elderly or
24 infirm inmates to the co-chairpersons and ranking
25 members of the joint appropriations subcommittee on
26 the justice system and the legislative fiscal bureau,
27 on or before January 15, 1995.

28 Sec. 12. CORRECTIONAL INSTITUTIONS -- VOCATIONAL
29 TRAINING. The state prison industries board and the
30 department of corrections shall continue the
31 implementation of a plan to enhance vocational
32 training opportunities within the correctional
33 institutions listed in section 904.102, as provided in
34 1993 Iowa Acts, chapter 171, section 12. The plan
35 shall provide for increased vocational training
36 opportunities within the correctional institutions,
37 including the possibility of approving community
38 college credit for inmates working in prison
39 industries. The department of corrections shall
40 provide a report concerning the implementation of the
41 plan to the co-chairpersons and ranking members of the
42 joint appropriations subcommittee on the justice
43 system and the legislative fiscal bureau, on or before
44 January 15, 1995.

45 Sec. 13. MONEYS RECOVERED THROUGH COURT-APPOINTED
46 RECEIVER -- NONREVERSION -- USES OF FUNDS.

47 1. As used in this section, unless the context
48 otherwise requires, "recovered funds" means moneys
49 which were appropriated to the department of
50 corrections in previous fiscal years for the purposes

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1 of the judicial district departments of correctional
2 services, which have been recovered in the fiscal year
3 commencing July 1, 1993, as a result of the actions of
4 the court-appointed receiver in litigation pertaining
5 to the Iowa trust matter, and which would otherwise be
6 deposited in the general fund of the state.

7 2. Notwithstanding any other provision of law to
8 the contrary, recovered funds shall not revert to the
9 general fund of the state at the end of the fiscal
10 year commencing July 1, 1993, but shall be available
11 to and transferred by the department of corrections,
12 in the manner and in the amounts specified in
13 subsection 3. Recovered funds shall be deemed
14 dedicated to the purposes specified in this section,
15 rather than the original purposes for which the moneys
16 were appropriated.

17 3. Notwithstanding any other provision of law to
18 the contrary, the department of corrections shall
19 transfer and remit recovered funds as follows:

20 a. The department of corrections shall make
21 available \$150,000 of the recovered funds to the first
22 judicial district department of correctional services,
23 for use in the fiscal year commencing July 1, 1994, to
24 pay for the construction of 8 additional community-
25 based corrections residential beds at the West Union
26 community-based correctional facility.

27 b. The department of corrections shall transfer
28 \$148,500 to the second judicial district department of
29 correctional services, for use in the fiscal year
30 commencing July 1, 1994, to make the financial
31 arrangements necessary to relocate the Marshalltown
32 community-based correctional facility, and to increase
33 the number of community-based corrections residential
34 beds at the relocated facility, from the current 24
35 residential beds to 40 residential beds. The second
36 judicial district department of correctional services
37 shall use the recovered funds transferred by this
38 paragraph to pay the initial costs connected with the
39 relocation and construction project, including but not
40 limited to, architectural fees, costs associated with
41 obtaining lease-purchase financing, and additional
42 equipment needs.

43 c. The department of corrections shall remit the
44 additional recovered funds not otherwise transferred
45 or made available in this subsection to the treasurer
46 of state, the recovered funds shall be available to
47 the judicial department, and the treasurer of state
48 shall transfer and distribute the recovered funds to
49 the judicial department for use in the fiscal year
50 commencing July 1, 1994. The judicial department

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1 shall use the recovered funds for the purposes
2 specified, and subject to the limitations enumerated,
3 in section 7, subsection 1 of this Act, and the
4 amounts available to the judicial department through
5 the use of recovered funds shall be in addition to any
6 moneys otherwise appropriated in this Act.

7 4. The department of corrections, the first and
8 second judicial district departments of correctional
9 services, and the judicial department shall use
10 recovered funds for the purposes specified in this
11 section in the fiscal year commencing July 1, 1994,
12 and any funds which are unexpended at the end of the
13 fiscal year commencing July 1, 1994, shall revert to
14 the general fund of the state.

15 Sec. 14. STATE AGENCY PURCHASES FROM PRISON
16 INDUSTRIES.

17 1. As used in this section, unless the context
18 otherwise requires, "state agency" means the
19 government of the state of Iowa, including but not
20 limited to all executive departments, agencies,
21 boards, bureaus, and commissions, the judicial
22 department, the general assembly and all legislative
23 agencies, institutions within the purview of the state
24 board of regents, and any corporation whose primary
25 function is to act as an instrumentality of the state.

26 2. State agencies are hereby encouraged to
27 purchase products from Iowa state industries, as
28 defined in section 904.802, when purchases are
29 required and the products are available from Iowa
30 state industries.

31 Sec. 15. INDIGENT DEFENSE COSTS. The supreme
32 court shall submit a written report for the preceding
33 fiscal year no later than January 1 of each year
34 indicating the amounts collected pursuant to section
35 815.9A, relating to recovery of indigent defense
36 costs. The report shall include the total amount
37 collected by all courts, as well as the amounts
38 collected by each judicial district. The supreme
39 court shall also submit a written report quarterly
40 indicating the number of criminal and juvenile filings
41 which occur in each judicial district for purposes of
42 estimating indigent defense costs. A copy of each
43 report shall be provided to the public defender, the
44 department of management, and the legislative fiscal
45 bureau.

46 Sec. 16. PLAN FOR FINANCING OF ADDITIONAL
47 CORRECTIONAL BEDS AT CORRECTIONAL FACILITIES AND
48 COMMUNITY-BASED CORRECTIONAL FACILITIES.

49 1. Except for those projects authorized in the
50 section of this Act utilizing moneys recovered through

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1 the court-appointed receiver in the Iowa trust matter
2 for construction of additional community-based
3 residential beds in the first and second judicial
4 district departments of correctional services and
5 those projects for which at least partial funding is
6 appropriated in this Act for the fiscal year beginning
7 July 1, 1994, the department of corrections shall not
8 proceed with any plans for the construction or lease
9 of additional correctional beds at correctional
10 facilities and community-based corrections residential
11 facilities unless the beds are financed in accordance
12 with this section. If the general assembly authorizes
13 the construction or lease of additional correctional
14 beds pursuant to this Act, such action shall
15 constitute a declaration by the general assembly that
16 additional correctional beds and the financing
17 specified in this section serve the public purpose and
18 are essential governmental functions that promote the
19 general welfare of the citizens of the state of Iowa.

20 2. Pursuant to the guidelines established in this
21 subsection, the treasurer of state shall determine
22 which of the financing methods specified in this
23 subsection shall be used for funding any additional
24 correctional beds authorized pursuant to this Act.

25 a. If the treasurer of state determines that bonds
26 can be issued in accordance with sections 16.177 and
27 602.8108A, then the bonding method specified in those
28 sections shall be used to fund any additional
29 correctional beds provided in this Act.

30 b. If the treasurer of state determines that bonds
31 cannot be issued in accordance with sections 16.177
32 and 602.8108A, then the treasurer of state shall
33 inform the department of corrections in writing that
34 bonds shall not be issued, and the department of
35 corrections shall proceed in accordance with this
36 paragraph. If the general assembly authorizes
37 additional correctional beds pursuant to this Act, and
38 the treasurer of state informs the department of
39 corrections that bonds cannot be issued, the
40 department of corrections shall enter into financial
41 arrangements with the department of general services
42 pursuant to section 18.12 to fund the construction of
43 any additional correctional beds authorized in this
44 Act, with an initial payment under the financial
45 arrangements that is not due until on or after July 1,
46 1995.

47 Sec. 17. NEW SECTION. 16.177 PRISON
48 INFRASTRUCTURE REVENUE BONDS.

49 1. The authority is authorized to issue its bonds
50 to provide prison infrastructure financing as provided

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1 in this section. The bonds may only be issued in
2 amounts and to finance projects which have been
3 approved for financing by the general assembly. Bonds
4 may be issued in order to fund the construction and
5 equipping of a project or projects, the payment of
6 interest on the bonds, the establishment of reserves
7 to secure the bonds, the costs of issuance of the
8 bonds and other expenditures incident to or necessary
9 or convenient to carry out the bond issue. The bonds
10 are investment securities and negotiable instruments
11 within the meaning of and for the purposes of the
12 uniform commercial code.

13 2. The department of corrections is authorized to
14 pledge amounts in the Iowa prison infrastructure fund
15 established under section 602.8108A as security for
16 the payment of the principal of, premium, if any, and
17 interest on the bonds. Bonds issued under this
18 section are payable solely and only out of the moneys,
19 assets, or revenues of the fund, all of which may be
20 deposited with trustees or depositories in accordance
21 with bond or security documents, and are not an
22 indebtedness of this state or the authority, or a
23 charge against the general credit or general fund of
24 the state or the authority, and the state shall not be
25 liable for the bonds except from amounts on deposit in
26 the fund. Bonds issued under this section shall
27 contain a statement that the bonds do not constitute
28 an indebtedness of the state or the authority.

29 3. The proceeds of bonds issued by the authority
30 and not required for immediate disbursement may be
31 deposited with a trustee or depository as provided in
32 the bond documents and invested in any investment
33 approved by the authority and specified in the trust
34 indenture, resolution, or other instrument pursuant to
35 which the bonds are issued without regard to any
36 limitation otherwise provided by law.

37 4. The bonds shall be:

38 a. In a form, issued in denominations, executed in
39 a manner, and payable over terms and with rights of
40 redemption, and be subject to such other terms and
41 conditions as prescribed in the trust indenture,
42 resolution, or other instrument authorizing their
43 issuance.

44 b. Negotiable instruments under the laws of the
45 state and may be sold at prices, at public or private
46 sale, and in a manner, as prescribed by the authority.
47 Chapters 73A, 74, 74A, and 75 do not apply to their
48 sale or issuance of the bonds.

49 c. Subject to the terms, conditions, and
50 covenants providing for the payment of the principal,

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1 redemption premiums, if any, interest, and other
2 terms, conditions, covenants, and protective
3 provisions safeguarding payment, not inconsistent with
4 this chapter and as determined by the trust indenture,
5 resolution, or other instrument authorizing their
6 issuance.

7 5. The bonds are securities in which public
8 officers and bodies of this state, political
9 subdivisions of this state, insurance companies and
10 associations and other persons carrying on an
11 insurance business, banks, trust companies, savings
12 associations, savings and loan associations, and
13 investment companies, administrators, guardians,
14 executors, trustees, and other fiduciaries, and other
15 persons authorized to invest in bonds or other
16 obligations of the state, may properly and legally
17 invest funds, including capital, in their control or
18 belonging to them.

19 6. Bonds must be authorized by a trust indenture,
20 resolution, or other instrument of the authority.
21 However, a trust indenture, resolution, or other
22 instrument authorizing the issuance of bonds may
23 delegate to an officer of the issuer the power to
24 negotiate and fix the details of an issue of bonds.

25 7. Neither the resolution or trust agreement, nor
26 any other instrument by which a pledge is created is
27 required to be recorded or filed under the uniform
28 commercial code to be valid, binding, or effective.

29 8. Bonds issued under this section are declared to
30 be issued for an essential public and governmental
31 purpose and all bonds issued under this section shall
32 be exempt from taxation by the state of Iowa and the
33 interest on the bonds shall be exempt from the state
34 income tax and the state inheritance and estate tax.
35 9. The authority shall cooperate with the
36 department of corrections in the implementation of
37 this section.

38 Sec. 18. NEW SECTION. 602.801A PRISON
39 INFRASTRUCTURE FUND.

40 1. The Iowa prison infrastructure fund is created
41 and established as a separate and distinct fund in the
42 state treasury. Notwithstanding any other provision
43 of this chapter to the contrary, the first four
44 million dollars of moneys remitted to the treasurer of
45 state from fines, fees, costs, and forfeited bail
46 collected by the clerks of the district court in
47 criminal cases collected in each fiscal year
48 commencing with the fiscal year beginning July 1,
49 1995, shall be deposited in the fund. Interest and
50 other income earned by the fund shall be deposited in

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1 the fund. If the treasurer of state determines
 2 pursuant to this Act that bonds can be issued pursuant
 3 to this section and section 16.177, then the moneys in
 4 the fund are appropriated to and for the purpose of
 5 paying the principal of, premium, if any, and interest
 6 on bonds issued by the Iowa finance authority under
 7 section 16.177. Except as otherwise provided in
 8 subsection 2, amounts in the funds shall not be
 9 subject to appropriation for any purpose by the
 10 general assembly, but shall be used only for the
 11 purposes set forth in this section. The treasurer of
 12 state shall act as custodian of the fund and disburse
 13 amounts contained in it as directed by the department
 14 of corrections including the automatic disbursement of
 15 funds pursuant to the terms of bond indentures and
 16 documents and security provisions to trustees and
 17 custodians. The treasurer of state is authorized to
 18 invest the funds deposited in the fund subject to any
 19 limitations contained in any applicable bond
 20 proceedings. Any amounts remaining in the fund at the
 21 end of each fiscal year shall be transferred to the
 22 general fund.

23 2. If the treasurer of state determines that bonds
 24 cannot be issued pursuant to this section and section
 25 16.177, the treasurer of state shall deposit the
 26 moneys in the prison infrastructure fund into the
 27 general fund of the state.

28 Sec. 19. 1993 Iowa Acts, chapter 171, section 11,
 29 subsection 4, is amended to read as follows:

30 4. The task force shall submit the plan to the
 31 governor and the general assembly on or before ~~June~~
 32 ~~30,~~ 1994 January 15, 1995.

33 Sec. 20. EFFECTIVE DATES.

34 1. Section 1, subsections 3 and 4, of this Act,
 35 relating to Iowa competition law or antitrust actions
 36 and to civil consumer fraud actions, being deemed of
 37 immediate importance, take effect upon enactment.

38 2. Section 13 of this Act, pertaining to the
 39 nonreversion, transfer, and distribution of certain
 40 moneys recovered by a court-appointed receiver, being
 41 deemed of immediate importance, takes effect upon
 42 enactment.

43 3. Section 19 of this Act, relating to the date
 44 for submission of a plan by the intermediate criminal
 45 sanctions task force, being deemed of immediate
 46 importance, takes effect upon enactment."

By MICHAEL E. GRONSTAL

S-5585 FILED APRIL 12, 1994

DEFERRED

Adopted 4-13-94
(P.1196)

HOUSE FILE 2350

S-5588

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 20, by inserting before line 15 the
5 following:

6 "Sec. ____ . CLOSING OF WOODWARD STATE HOSPITAL-
7 SCHOOL AND CONVERSION TO MINIMUM SECURITY PRISON --
8 TRANSITION.

9 1. The department of human services and the
10 department of corrections shall develop a plan to
11 close the Woodward state hospital-school and to
12 renovate the facility into a 500-bed minimum security
13 prison for men by July 1, 1997. During the three-year
14 transition period, residents from the Woodward state
15 hospital-school shall be placed first at the Glenwood
16 state hospital-school, and if additional space is
17 necessary, shall be placed at the Cherokee state
18 mental health institute, notwithstanding any
19 provisions of section 226.8 to the contrary.

20 2. The department of human services and the
21 department of corrections shall submit a plan to the
22 general assembly and the governor on or before January
23 9, 1995, detailing the steps that have been
24 implemented and the steps to be taken during the
25 transition period, including renovations necessary to
26 the Woodward state hospital-school, the Glenwood state
27 hospital-school, and the Cherokee state mental health
28 institute, as well as the costs of such renovations
29 and the costs of operating the facilities throughout
30 the transition. In addition, the plan shall specify
31 any statutory changes necessary to fully implement
32 this section."

33 2. By renumbering and correcting internal
34 references as necessary.

By JOHN P. KIBBIE

S-5588 FILED APRIL 13, 1994
WITHDRAWN 4-13-94

HOUSE FILE 2350

S-5587

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 11, line 25, by striking the figure
5 "6,279,190" and inserting the following: "6,319,360".

6 2. Page 11, by inserting after line 48 the fol-
7 lowing:

8 "(5) Of the funds appropriated in this paragraph,
9 the district department shall use not more than
10 \$40,170 to place residents in and staff an additional
11 15 beds at the Lary Nelson center in Cedar Rapids."

12 3. By renumbering and correcting internal
13 references as necessary.

By ROBERT E. DVORSKY

S-5587 FILED APRIL 13, 1994
LOST 4-13-94 (p. 1187)

HOUSE FILE 2350

S-5590

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 17, by inserting after line 18 the fol-
5 lowing:

6 "Sec. ____ . COURT TECHNOLOGY AND MODERNIZATION. If
7 Senate File 413 or similar legislation is not enacted
8 by the Seventy-fifth General Assembly, second regular
9 session, in a manner which establishes a court
10 technology and modernization fund as a separate fund
11 in the state treasury, with an allocation of
12 \$1,000,000 of court revenues to the fund, then there
13 is appropriated from the general fund of the state to
14 the judicial department for the fiscal year beginning
15 July 1, 1994, and ending June 30, 1995, the following
16 amount, or so much thereof as is necessary, to be used
17 for the purpose designated:

18 For modernization and enhancement of court tech-
19 nology:

20 \$ 1,000,000

21 1. The judicial department shall use not more than
22 \$800,000 of the moneys, if appropriated pursuant to
23 this section, to enhance the ability of the judicial
24 department to process cases more quickly and
25 efficiently, to electronically transmit information to
26 state government, local governments, law enforcement
27 agencies, and the public, and to improve public access
28 to the court system. The moneys specified in this
29 subsection shall not be used for the Iowa court
30 information system.

31 2. The judicial department shall use not more than
32 \$200,000 of the moneys, if appropriated pursuant to
33 this section, in equal amounts to facilitate
34 alternative dispute resolution and methods to resolve
35 domestic abuse cases, which may include personnel for
36 hearings under section 236.4."

37 2. By renumbering and correcting internal
38 references as necessary.

By TOM VILSACK

S-5590 FILED APRIL 13, 1994

ADOPTED 4-13-94
(P. 1187)

HOUSE FILE 2350

S-5589

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 24, by inserting before line 28 the
5 following:
6 "Sec. ____ . Section 607A.5, Code 1993, is amended
7 to read as follows:
8 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.
9 A person shall be excused from jury service if the
10 person submits written documentation verifying, to the
11 court's satisfaction, that the person is solely
12 responsible for the daily care of a permanently
13 disabled person living in the person's household and
14 that the performance of juror service would cause
15 substantial risk of injury to the health of the
16 disabled person, or that the person is the mother of a
17 breastfed child and is responsible for the daily care
18 of the child. However, if the person is regularly
19 employed at a location other than the person's
20 household, the person shall not be excused under this
21 section."
22 2. By renumbering and correcting internal
23 references as necessary.

By MERLIN E. BARTZ

S-5589 FILED APRIL 13, 1994

ADOPTED

4-13-94

HOUSE FILE 2350

S-5592

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, by inserting after line 23 the
5 following:

6 "____. The department of corrections shall issue a
7 request for proposals for the expansion of an existing
8 correctional facility for men, which would provide for
9 250 additional beds for male inmates, with a security
10 designation that is more restrictive than the current
11 maximum security level, and which would only be
12 constructed if a proposal is accepted. The department
13 of corrections shall issue the request for proposals
14 in such a manner that responses are due on or before
15 January 1, 1995. However, the department of
16 corrections shall not accept a proposal without
17 specific authorization through the enactment of
18 legislation to fund the proposal. The department of
19 corrections shall submit a report to the co-
20 chairpersons and ranking members of the joint
21 appropriations subcommittee on the justice system and
22 the legislative fiscal bureau on or before January 15,
23 1995, detailing the progress to date concerning the
24 competitive bidding process required by this
25 subsection."

26 2. By renumbering and correcting internal
27 references as necessary.

By EUGENE S. FRAISE

S-5592 FILED APRIL 13, 1994
WITHDRAWN 4.13.94

HOUSE FILE 2350

S-5591

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 5, line 29, by inserting after the word
5 "officers," the following: "the purchase of radios,
6 emergency notification equipment, surveillance
7 cameras, and other necessary surveillance and
8 emergency response equipment,".

9 2. Page 5, line 32, by striking the figure
10 "24,705,497" and inserting the following:
11 "24,855,497".

12 3. Page 5, by inserting after line 33 the
13 following:

14 "The department of corrections shall use not more
15 than \$150,000 of the funds appropriated in this
16 paragraph for the purchase of radios, emergency
17 notification equipment, surveillance cameras, and
18 other necessary surveillance and emergency response
19 equipment, for use in the Fort Madison correctional
20 facility."

21 4. Page 14, line 16, by striking the figure
22 "81,470,924" and inserting the following:
23 "81,320,924".

24 5. Page 15, line 10, by striking the figure
25 "1,150,000" and inserting the following: "1,000,000".

By EUGENE S. FRAISE
ROBERT E. DVORSKY

S-5591 FILED APRIL 13, 1994

WITHDRAWN

4-13-94

HOUSE FILE 2350

S-5595

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

- B 4 1. Page 8, by inserting after line 23 the
5 following:
6 "____. The department of corrections shall issue a
7 request for proposals for the construction of a 750-
8 bed, medium security correctional facility for men, to
9 be located in Newton, which would only be constructed
10 if the proposal is accepted. The department of
11 corrections shall issue the request for proposals in
12 such a manner that responses are due and shall be
13 included in a report submitted by the department to
14 the general assembly on or before January 9, 1995.
15 The department of corrections shall not accept a
16 proposal received in accordance with this subsection
17 without specific authorization through the enactment
18 of legislation to fund the proposal by the Seventy-
19 sixth General Assembly or a subsequent general
20 assembly."

- A 21 2. Page 23, line 38, by striking the figure
22 "602.801A" and inserting the following: "602.8108A".
23 3. By renumbering and correcting internal
24 references as necessary.

By MICHAEL E. GRONSTAL

S-5595 FILED APRIL 13, 1994
DIV. A-ADOPTED, DIV. B-WITHDRAWN

HOUSE FILE 2350

S-5597

- 1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 15, by striking lines 4 through 7.
5 2. By relettering as necessary.

By MICHAEL E. GRONSTAL

S-5597 FILED APRIL 13, 1994
ADOPTED

HOUSE FILE 2350

S-5594

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, by inserting after line 23 the
5 following:

6 " . In accordance with the financing methods
7 specified in the plan for financing of additional
8 correctional beds at correctional facilities and
9 community-based correctional facilities provided in
10 this Act, the department of corrections shall
11 construct 250 additional medium security beds for men
12 at the Clarinda correctional facility."

13 2. Page 8, by inserting after line 23 the
14 following:

15 " . In accordance with the financing methods
16 specified in the plan for financing of additional
17 correctional beds at correctional facilities and
18 community-based correctional facilities provided in
19 this Act, the department of corrections shall
20 construct 250 additional medium security beds for men
21 to be located at facilities as determined by the
22 department of corrections. Of the additional beds
23 specified in this subsection, the department of
24 corrections may designate some of the beds as single-
25 cell beds dedicated for use by more dangerous
26 inmates."

27 3. Page 13, by inserting after line 44 the
28 following:

29 " . In accordance with the financing methods
30 specified in the plan for financing of additional
31 correctional beds at correctional facilities and
32 community-based correctional facilities provided in
33 this Act, the department of corrections shall provide
34 for the construction of 300 additional community
35 corrections residential beds for men to be located at
36 community-based correctional facilities as determined
37 by the department of corrections. Of the additional
38 community corrections residential beds specified in
39 this subsection, 100 beds shall be dedicated to the
40 treatment of substance abusers, and 50 beds shall be
41 allocated as a medical unit for geriatric and infirm
42 inmates."

43 4. By renumbering and correcting internal
44 references as necessary.

By MICHAEL E. GRONSTAL

S-5594 FILED APRIL 13, 1994
RULED OUT OF ORDER

HOUSE FILE 2350

S-5606

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 20, by inserting before line 15 the
5 following:

6 "Sec. 800. APPROPRIATIONS TO THE DEPARTMENT OF
7 CORRECTIONS -- MONEYS ENCUMBERED -- PRIORITIES.

8 1. Notwithstanding any other provision of law to
9 the contrary, moneys appropriated to the department of
10 corrections pursuant to 1993 Iowa Acts, chapter 171,
11 sections 4, 5, and 6, shall be considered encumbered
12 pursuant to section 8.33, and shall not revert to the
13 general fund of the state at the end of the fiscal
14 year commencing July 1, 1993. As used in this
15 section, unless the context otherwise requires,
16 "encumbered funds" means the moneys appropriated to
17 the department of corrections pursuant to 1993 Iowa
18 Acts, chapter 171, sections 4, 5, and 6, which would
19 otherwise revert to the general fund of the state
20 after the end of the fiscal year in which the moneys
21 were appropriated, but for the prohibition contained
22 in this section.

23 2. The department of corrections shall use
24 encumbered funds in the fiscal year commencing July 1,
25 1994, to fund up to an additional 50 FTEs for the
26 employment of correctional officers in the
27 correctional institutions specified in section
28 904.102, and to purchase critically needed safety
29 equipment, including but not limited to radios,
30 emergency notification equipment, surveillance
31 cameras, and other necessary surveillance and
32 emergency response equipment, for use in correctional
33 institutions. The FTEs provided in this section for
34 the employment of correctional officers and the
35 funding provided for the purchase of equipment are in
36 addition to any FTEs or equipment funded in section 4
37 of this Act. The department of corrections shall use
38 its discretion in distributing the additional
39 correctional officers and equipment throughout the
40 correctional facilities. The department of
41 corrections shall file a report with the department of
42 management concerning correctional officer positions
43 filled and critically needed safety equipment
44 purchased from encumbered funds provided under this
45 section. If the department is able to fund an
46 additional 50 FTEs for the employment of correctional
47 officers pursuant to this section and to purchase all
48 critically needed safety equipment, any remaining
49 funds shall be unencumbered and shall revert to the
50 general fund of the state at the end of the fiscal

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1 year commencing July 1, 1994."

2 2. Page 24, by inserting after line 42 the
3 following:

4 "Section 800 of this Act, pertaining to the
5 encumbrance of certain moneys appropriated to the
6 department of corrections in the fiscal year
7 commencing July 1, 1993, being deemed of immediate
8 importance, takes effect upon enactment."

9 3. By renumbering and correcting internal
10 references as necessary.

By MICHAEL E. GRONSTAL
TOM VILSACK
EUGENE S. FRAISE

ANDY MCKEAN
ROBERT E. DVORSKY
RALPH ROSENBERG

S-5606 FILED APRIL 13, 1994
ADOPTED

HOUSE FILE 2350

S-5601

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 20, by inserting after line 45 the
5 following:

6 "Sec. ____ . SENTENCING STUDY. The legislative
7 council is requested to establish an interim study
8 committee to review current criminal penalties and
9 sentencing practices, including but not limited to the
10 effects of mandatory minimum penalties on sentencing
11 practices and the effects of sentencing practices on
12 inmate populations at state and adult and residential
13 community-based correctional facilities. The
14 committee shall also conduct a comparative assessment
15 of the relative penalties imposed for various crimes
16 based not only on the threat posed by the prohibited
17 criminal conduct, but also by the risk generally
18 associated with particular criminal offenders."

19 2. By renumbering and correcting internal
20 references as necessary.

By ANDY MCKEAN
AL STURGEON
MICHAEL E. GRONSTAL

S-5601 FILED APRIL 13, 1994
ADOPTED

HOUSE FILE 2350

S-5621

- 1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 23, by inserting after line 37 the
5 following:
6 "____. Notwithstanding any other provision of law
7 to the contrary, competitive bidding shall not be
8 required for the construction of facilities financed
9 by bonds issued pursuant to this section."
10 2. Page 23, line 47, by inserting after the word
11 "cases" the following: ", including those collected
12 for both scheduled and nonscheduled violations,".
13 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5621 FILED APRIL 13, 1994

ADOPTED 4-13-94 (P.1195)

HOUSE FILE 2350

S-5623

- 1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 21, by inserting after line 46 the
5 following:
6 "3. If a provision of this Act provides for the
7 construction or lease of additional correctional beds
8 located at or near the Clarinda correctional facility
9 or the state mental health institute at Clarinda, with
10 financing provided as specified in subsection 2,
11 paragraph "a" or "b" of this section, the treasurer of
12 state and the auditor of state, in cooperation and
13 consultation with each other, shall review the
14 development costs incurred by Clarinda Heartland,
15 Inc., and determine which development costs are
16 necessary and appropriate. Those development costs
17 approved by the treasurer of state and the auditor of
18 state shall be paid through the financing method
19 authorized pursuant to subsection 2, paragraph "a" or
20 "b" of this section. However, costs associated with
21 lobbying on behalf of Clarinda Heartland, Inc. shall
22 not be authorized for payment through the financing
23 method authorized pursuant to subsection 2, paragraph
24 "a" or "b" of this section."
25 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5623 FILED APRIL 13, 1994

ADOPTED

HOUSE FILE 2350

S-5614

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

A 4 1. Page 8, by inserting after line 23 the
5 following:

6 " . In accordance with the financing methods
7 specified in the plan for financing of additional
8 correctional beds at correctional facilities and
9 community-based correctional facilities provided in
10 this Act, the department of corrections shall
11 construct 500 additional medium security beds for men
12 at the Clarinda correctional facility."

B 13 2. Page 20, by inserting after line 45 the
14 following:

15 "Sec. ____ . MODIFICATIONS TO DEPARTMENT OF
16 CORRECTIONS FIVE-YEAR PLAN -- NONBINDING REFERENDUM
17 SUBMITTED TO VOTERS.

18 1. The department of corrections shall modify its
19 five-year plan issued on March 4, 1994, to include the
20 costs of establishing minimum staffing levels at
21 community-based corrections residential facilities, as
22 well as to require that a minimum of 70 percent of all
23 residents of community-based corrections residential
24 facilities receive substance abuse treatment. Upon
25 making the modifications to the five-year plan, the
26 department of corrections shall certify to the state
27 commissioner of elections the costs of the modified
28 five-year plan, and the amount certified to the state
29 commissioner of elections shall be included on the
30 ballot for the nonbinding referendum required by this
31 section.

32 2. Notwithstanding any provision of law to the
33 contrary, the state commissioner of elections shall
34 cause the following nonbinding public question to be
35 submitted to the voters at the regular school election
36 to be held in 1994 as specified in section 277.1,
37 following publication of the question in the manner
38 provided in section 49.53:

39 "Should the State of Iowa, through the future
40 enactment of legislation by the General Assembly, levy
41 an income surtax in the amount of (here insert amount
42 certified by the department of corrections pursuant to
43 subsection 1) to fund the expansion of the Iowa
44 corrections system to build prisons and other
45 correctional facilities? (This referendum is not
46 binding and would require the enactment of legislation
47 prior to implementation.)

48 Yes _____
49 No _____"

50 3. The referendum required by this section is not

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1 binding, and the public question included on the
 2 ballot pursuant to subsection 2 does not require the
 3 state to incur a public debt upon an affirmative vote
 4 of the majority of voters. The income surtax
 5 specified in subsection 2 shall not be imposed and the
 6 expansion of the Iowa corrections system referred to
 7 in subsection 2 shall not occur unless further action
 8 is taken through the enactment of legislation by a
 9 subsequent general assembly."
 10 3. By renumbering and correcting internal
 11 references as necessary.

By LARRY MURPHY

S-5614 FILED APRIL 13, 1994

DIV. A-RULED OUT OF ORDER, DIV. B-WITHDRAWN

HOUSE FILE 2350

S-5620

1 Amend the amendment, S-5585, to House File 2350, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 8, by inserting after line 23 the
 5 following:

6 " . In accordance with the financing methods
 7 specified in the plan for financing of additional
 8 correctional beds at correctional facilities and
 9 community-based correctional facilities provided in
 10 this Act, the department of corrections shall
 11 construct a 750-bed, medium security correctional
 12 facility for men, to be located at or near the
 13 Clarinda correctional facility."

14 2. By renumbering as necessary.

By LEONARD L. BOSWELL
 PATTY JUDGE
 TONY BISIGNANO

TOM VILSACK
 JOE J. WELSH

S-5620 FILED APRIL 13, 1994

ADOPTED 4.13.94 (P. 1194)

HOUSE FILE 2350

S-5611

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 8, by inserting after line 23 the fol-
5 lowing:

6 "6. a. The general assembly declares that the
7 lease of a medium security correctional facility with
8 750 beds, to be built on state-owned, unimproved real
9 property located near the state mental health
10 institute at Clarinda, serves the public purpose and
11 is an essential governmental function which will
12 promote the general welfare of the citizens of the
13 state of Iowa.

14 b. Notwithstanding any other provision of law to
15 the contrary or any provision providing for an
16 alternative or independent method of establishing a
17 correctional facility, the department of corrections
18 may establish a correctional facility pursuant to this
19 subsection. The department of human services may
20 lease unimproved real property located near the state
21 mental health institute at Clarinda to a person or
22 entity that is leasing the property for the purpose of
23 constructing a 750-bed, medium security correctional
24 facility. The department of corrections may enter
25 into a lease or lease-purchase agreement, to lease the
26 newly constructed correctional facility from the
27 person or entity leasing the real property from the
28 department of human services. Notwithstanding any
29 other provision of law to the contrary, a party to a
30 lease or lease-purchase agreement entered into
31 pursuant to this subsection shall not be required to
32 publish any notice or proceed with any other or
33 further proceedings with respect to the lease or
34 lease-purchase agreement, except as otherwise provided
35 in this subsection. Any lease entered into in
36 accordance with this subsection shall specify the
37 duration of the lease and any possible extensions, as
38 well as whether a purchase option is included. The
39 department of corrections may enter into a lease
40 agreement pursuant to this subsection for an original
41 term of one year, or for an original term of a
42 different duration. However, if the original term is
43 for one year, the lease agreement shall provide
44 automatic one-year extensions of the term, and such
45 automatic extensions shall occur unless legislation is
46 enacted prior to the expiration of the original term
47 or the applicable extension which directs the
48 department of corrections to terminate the lease."

49 2. Page 21, line 4, by inserting after the word
50 "services" the following: ", the project specified in

S-5611

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1 section 4, subsection 6, of this Act, pertaining to a
2 medium-security facility with 750 beds to be built on
3 state-owned, unimproved real property located near the
4 state mental health institute at Clarinda,".

5 3. Page 21, by inserting after line 46 the fol-
6 lowing:

7 " . This section shall not prohibit the
8 financing method specified in section 4, subsection 6,
9 of this Act."

10 4. By renumbering and correcting internal
11 references as necessary.

By LEONARD L. BOSWELL
TOM VILSACK

PATTY JUDGE
TONY BISIGNANO

S-5611 FILED APRIL 13, 1994
WITHDRAWN

4-13-94

HOUSE FILE 2350

S-5603

- 1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 5, line 36, by striking the figure "211"
5 and inserting the following: "221".
- 6 2. Page 5, line 41, by striking the figure
7 "18,498,730" and inserting the following:
8 "18,723,730".
- 9 3. Page 5, line 42, by striking the figure
10 "356.25" and inserting the following: "366.25".
- 11 4. Page 14, line 16, by striking the figure
12 "81,470,924" and inserting the following:
13 "81,245,924".
- 14 5. Page 15, by striking lines 4 through 7.
- 15 6. Page 15, line 10, by striking the figure
16 "1,150,000" and inserting the following: "975,000".
- 17 7. Page 19, line 19, by striking the word "remit"
18 and inserting the following: "use".
- 19 8. By striking page 19, line 43, through page 20,
20 line 6, and inserting the following:
21 "c. The department of corrections shall use any
22 additional recovered funds not otherwise transferred
23 or made available pursuant to this subsection for the
24 employment of additional correctional officers at the
25 Anamosa correctional facility, including salaries,
26 support, and miscellaneous purposes, as provided in
27 section 4, subsection 1, paragraph "b" of this Act."
- 28 9. Page 20, line 7, by striking the word
29 "corrections," and inserting the following:
30 "corrections and".
- 31 10. Page 20, line 9, by striking the words ", and
32 the judicial department".
- 33 11. By renumbering, relettering, redesignating,
34 and correcting internal references as necessary.

By ANDY MCKEAN

S-5603 FILED APRIL 13, 1994
LOST

HOUSE FILE 2350

S-5631

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 21, by inserting after line 46 the
5 following:

6 "c. (1) If a separate provision of this Act
7 authorizes the construction of a 750-bed, medium
8 security correctional facility for men, to be located
9 at or near the Clarinda correctional facility, the
10 treasurer of state shall, within thirty days of the
11 enactment of this Act, analyze whether the financing
12 method specified in paragraph "a" or "b" of this
13 subsection provides for financing the project in a
14 manner which is less expensive to the state than the
15 method specified in subparagraph (2) of this
16 paragraph. The treasurer of state shall report the
17 findings of the analysis to the department of
18 corrections. If the manner specified in paragraph "a"
19 or "b" is found by the treasurer of state to be less
20 expensive and a separate provision of this Act
21 authorizes the construction, the construction shall be
22 financed as provided in paragraph "a" or "b".
23 However, if the construction financing is less
24 expensive pursuant to subparagraph (2) of this
25 paragraph and a separate provision of this Act
26 authorizes the construction, the construction shall
27 proceed in the manner specified in subparagraph (2).

28 (2) If a separate provision of this Act authorizes
29 the construction of a 750-bed, medium security
30 correctional facility for men, to be located at or
31 near the Clarinda correctional facility, and the
32 treasurer of state determines pursuant to subparagraph
33 (1) that financing is less expensive pursuant to this
34 subparagraph, then notwithstanding any other provision
35 of law to the contrary or any provision providing for
36 an alternative or independent method of establishing a
37 correctional facility, the department of corrections
38 may establish a correctional facility pursuant to this
39 subparagraph and the separate provision of this Act
40 authorizing the construction. The department of human
41 services may lease unimproved real property located
42 near the state mental health institute at Clarinda to
43 a person or entity that is leasing the property for
44 the purpose of constructing a 750-bed, medium security
45 correctional facility. The department of corrections
46 may enter into a lease or lease-purchase agreement, to
47 lease the newly constructed correctional facility from
48 the person or entity leasing the real property from
49 the department of human services. Notwithstanding any
50 other provision of law to the contrary, a party to a

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1 lease or lease-purchase agreement entered into
2 pursuant to this subparagraph shall not be required to
3 publish any notice or proceed with any other or
4 further proceedings with respect to the lease or
5 lease-purchase agreement, except as otherwise provided
6 in this subparagraph. Any lease entered into in
7 accordance with this subparagraph shall specify the
8 duration of the lease and any possible extensions, as
9 well as whether a purchase option is included. The
10 department of corrections may enter into a lease
11 agreement pursuant to this subparagraph for an
12 original term of one year, or for an original term of
13 a different duration. However, if the original term
14 is for one year, the lease agreement shall provide
15 automatic one-year extensions of the term, and such
16 automatic extensions shall occur unless legislation is
17 enacted prior to the expiration of the original term
18 or the applicable extension which directs the
19 department of corrections to terminate the lease."
20 2. By renumbering, relettering, and correcting
21 internal references as necessary.

By LARRY MURPHY

MICHAEL E. GRONSTAL

S-5631 FILED APRIL 13, 1994

ADOPTED 4/13/94 (P. 1195)

HOUSE FILE 2350

S-5638

1 Amend the amendment, S-5585, to House File 2350, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 15, by striking lines 8 through 10 and
5 inserting the following:
6 " _____. Of the funds appropriated in this
7 subsection, the judicial department shall use not more
8 than \$35,000 to reestablish the court appointed
9 special advocate program in Woodbury county.
10 _____. Of the funds appropriated pursuant to this
11 subsection, the judicial department shall use not more
12 than \$1,115,000 for increasing the existing capacity
13 of the".
14 2. By relettering as necessary.

By BRAD BANKS

AL STURGEON

S-5638 FILED APRIL 13, 1994

ADOPTED 4/13/94

(P. 1195)

SENATE AMENDMENT TO HOUSE FILE 2350

H-6169

1 Amend House File 2350, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. DEPARTMENT OF JUSTICE. There is
6 appropriated from the general fund of the state to the
7 department of justice for the fiscal year beginning
8 July 1, 1994, and ending June 30, 1995, the following
9 amounts, or so much thereof as is necessary, to be
10 used for the purposes designated:

11 1. For the general office of attorney general for
12 salaries, support, maintenance, miscellaneous purposes
13 including odometer fraud enforcement, and for not more
14 than the following full-time equivalent positions:

15	\$	4,752,448
16	FTEs	169.00

17 2. Prosecuting attorney training program for
18 salaries, support, maintenance, miscellaneous
19 purposes, and for not more than the following full-
20 time equivalent positions:

21	\$	113,326
22	FTEs	4.00

23 a. In addition to the funds appropriated in this
24 subsection for the fiscal year beginning July 1, 1994,
25 and ending June 30, 1995, the attorney general shall
26 provide up to \$41,000 in state matching funds from
27 moneys retained by the attorney general from property
28 forfeited pursuant to section 809.13, for the
29 prosecuting attorney training program, the prosecuting
30 intern program, or both. Counties participating in
31 the prosecuting intern program shall match the state
32 funds.

33 b. In addition to the funds appropriated in this
34 subsection for the fiscal year beginning July 1, 1994,
35 and ending June 30, 1995, and the moneys retained by
36 the attorney general pursuant to paragraph "a", the
37 attorney general shall provide up to \$10,000 in state
38 matching funds from moneys retained by the attorney
39 general from property forfeited pursuant to section
40 809.13, for the office of the prosecuting attorneys
41 training coordinator to use for continuation of the
42 domestic violence response enhancement program
43 established in accordance with 1992 Iowa Acts, chapter
44 1240, section 1, subsection 2, paragraph "b".

45 c. The prosecuting attorneys training coordinator
46 shall cooperate and consult with the judicial
47 department, as otherwise provided in this Act, to
48 provide for the education and training of prosecuting
49 attorneys, as defined in section 13A.1, in
50 implementing the recommendations of the equality in

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1 the courts task force.

2 d. The prosecuting attorneys training program
3 shall use a portion of the funds appropriated in this
4 subsection for educating and training prosecuting
5 attorneys, as defined in section 13A.1, in alternative
6 dispute resolution techniques.

7 3. In addition to the funds appropriated in
8 subsection 1, there is appropriated from the general
9 fund of the state to the department of justice for the
10 fiscal year beginning July 1, 1994, and ending June
11 30, 1995, an amount not exceeding \$200,000 to be used
12 for the enforcement of the Iowa competition law. The
13 expenditure of the funds appropriated in this
14 subsection is contingent upon receipt by the general
15 fund of the state of an amount at least equal to
16 either the expenditures from damages awarded to the
17 state or a political subdivision of the state by a
18 civil judgment under chapter 553, if the judgment
19 authorizes the use of the award for enforcement
20 purposes or costs or attorneys fees awarded the state
21 in state or federal antitrust actions. However, if
22 the funds received as a result of these judgments are
23 in excess of \$200,000, the excess funds shall not be
24 appropriated to the department of justice pursuant to
25 this subsection.

26 4. In addition to the funds appropriated in
27 subsection 1, there is appropriated from the general
28 fund of the state to the department of justice for the
29 fiscal year beginning July 1, 1994, and ending June
30 30, 1995, an amount not exceeding \$125,000 to be used
31 for public education relating to consumer fraud and
32 for enforcement of section 714.16, and an amount not
33 exceeding \$75,000 for investigation, prosecution, and
34 consumer education relating to consumer and criminal
35 fraud against older Iowans. The expenditure of the
36 funds appropriated in this subsection is contingent
37 upon receipt by the general fund of the state of an
38 amount at least equal to the expenditures from damages
39 awarded to the state or a political subdivision of the
40 state by a civil consumer fraud judgment or
41 settlement, if the judgment or settlement authorizes
42 the use of the award for public education on consumer
43 fraud. However, if the funds received as a result of
44 these judgments and settlements are in excess of
45 \$200,000, the excess funds shall not be appropriated
46 to the department of justice pursuant to this
47 subsection.

48 5. For victim assistance grants:

49 \$ 1,359,812

50 a. The funds appropriated in this subsection shall

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1 be used to provide grants to care providers providing
2 services to crime victims of domestic abuse or to
3 crime victims of rape and sexual assault.

4 b. Notwithstanding section 8.33 or 8.39, any
5 balance remaining from the appropriation made pursuant
6 to this subsection shall not revert to the general
7 fund of the state but shall be available for
8 expenditure during the subsequent fiscal year for the
9 same purpose, and shall not be transferred to any
10 other program.

11 6. For the GASA prosecuting attorney program and
12 for not more than the following full-time equivalent
13 positions:

14	\$	102,927
15	FTEs	3.00

16 7. The balance of the victim compensation fund
17 established under section 912.14 may be used to
18 provide salary and support of not more than 9.00 FTEs
19 and to provide maintenance for the victim compensation
20 functions of the department of justice.

21 8. The department of justice shall submit monthly
22 financial statements to the legislative fiscal bureau
23 and the department of management containing all
24 appropriated accounts in the same manner as provided
25 in the monthly financial status reports and personal
26 services usage reports of the department of revenue
27 and finance. The monthly financial statements shall
28 include comparisons of the moneys and percentage spent
29 of budgeted to actual revenues and expenditures on a
30 cumulative basis for full-time equivalent positions
31 and available moneys.

32 9. a. The department of justice, in submitting
33 budget estimates pursuant to section 8.23, shall
34 include a report of funding from sources other than
35 amounts appropriated directly from the general fund of
36 the state to the department of justice or to the
37 office of consumer advocate. These funding sources
38 shall include, but are not limited to, reimbursements
39 from other state agencies, commissions, boards, or
40 similar entities, and reimbursements from special
41 funds or internal accounts within the department of
42 justice. The department of justice shall report
43 actual reimbursements for the fiscal year commencing
44 July 1, 1993, and actual and expected reimbursements
45 for the fiscal year commencing July 1, 1994.

46 b. The department of justice shall include the
47 report required under paragraph "a", as well as
48 information regarding any revisions occurring as a
49 result of reimbursements actually received or expected
50 at a later date, in a report to the co-chairpersons

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1 and ranking members of the joint appropriations
2 subcommittee on the justice system and the legislative
3 fiscal bureau. The department of justice shall submit
4 the report on or before January 15, 1995.

5 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
6 appropriated from the general fund of the state to the
7 office of consumer advocate of the department of
8 justice for the fiscal year beginning July 1, 1994,
9 and ending June 30, 1995, the following amount, or so
10 much thereof as is necessary, to be used for the
11 purposes designated:

12 For salaries, support, maintenance, miscellaneous
13 purposes, and for not more than the following full-
14 time equivalent positions:

15	\$	2,040,396
16	FTEs	32.00

17 Sec. 3. BOARD OF PAROLE. There is appropriated
18 from the general fund of the state to the board of
19 parole for the fiscal year beginning July 1, 1994, and
20 ending June 30, 1995, the following amount, or so much
21 thereof as is necessary, to be used for the purposes
22 designated:

23 For salaries, support, maintenance, including
24 maintenance of an automated docket and the board's
25 automated risk assessment model, employment of two
26 statistical research analysts to assist with the
27 application of the risk assessment model in the parole
28 decision-making process, miscellaneous purposes, and
29 for not more than the following full-time equivalent
30 positions:

31	\$	778,747
32	FTEs	17.00

33 1. The board of parole shall require the board's
34 administrative staff to be cross-trained to assure
35 that each individual on that staff is familiar with
36 all tasks performed by the staff.

37 2. The department of corrections and the board of
38 parole shall review, and implement as necessary, the
39 findings and recommendations contained in the final
40 report prepared by the consultant and presented to the
41 corrections system review task force which was
42 established by 1988 Iowa Acts, chapter 1271, as they
43 relate to the department of corrections and the board
44 of parole. The board shall submit a report to the co-
45 chairpersons of the joint appropriations subcommittee
46 on the justice system and the legislative fiscal
47 bureau on or before January 16, 1995, detailing steps
48 taken to implement any of the recommendations, and for
49 those recommendations which have not been implemented,
50 specifying the reasons for failing to implement the

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1 recommendations. The report shall include, but is not
 2 limited to, copies of all reports submitted to the
 3 legislative fiscal bureau pursuant to section 906.5,
 4 subsection 2, for the fiscal year commencing July 1,
 5 1994, as well as details pertaining to other steps
 6 taken to implement the recommendations contained in
 7 the fiscal report prepared by the consultant for the
 8 corrections system review task force pertaining to the
 9 early parole of nonviolent property offenders.

10 3. The board of parole shall conduct a study of
 11 the parole process to identify and eliminate bias in
 12 the parole system based upon race, creed, color, sex,
 13 national origin, religion, or disability. The board
 14 of parole shall report its findings and
 15 recommendations to the co-chairpersons and ranking
 16 members of the joint appropriations subcommittee on
 17 the justice system and the legislative fiscal bureau
 18 on or before January 15, 1995.

19 Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES.

20 There is appropriated from the general fund of the
 21 state to the department of corrections for the fiscal
 22 year beginning July 1, 1994, and ending June 30, 1995,
 23 the following amounts, or so much thereof as is
 24 necessary, to be used for the purposes designated:

25 1. For the operation of adult correctional

26 institutions, to be allocated as follows:

27 a. For the operation of the Fort Madison
 28 correctional facility, including salaries, support,
 29 maintenance, employment of 310 correctional officers,
 30 miscellaneous purposes, and for not more than the
 31 following full-time equivalent positions:

32 \$ 24,705,497

33 FTEs 490.50

34 b. For the operation of the Anamosa correctional
 35 facility, including salaries, support, maintenance,
 36 employment of 211 correctional officers and a part-
 37 time chaplain to provide religious counseling to
 38 inmates of a minority race, miscellaneous purposes,
 39 and for not more than the following full-time
 40 equivalent positions:

41 \$ 18,498,730

42 FTEs 356.25

43 Moneys are provided within this appropriation for 2
 44 full-time substance abuse counselors for the Luster
 45 Heights facility, for the purpose of certification of
 46 a substance abuse program at that facility.

47 c. For the operation of the Oakdale correctional
 48 facility, including salaries, support, maintenance,
 49 employment of 159 correctional officers, miscellaneous
 50 purposes, and for not more than the following full-

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1 time equivalent positions:
 2 \$ 15,478,173
 3 FTEs 320.80
 4 d. For the operation of the Newton correctional
 5 facility, including salaries, support, maintenance,
 6 employment of 44 correctional officers, miscellaneous
 7 purposes, and for not more than the following full-
 8 time equivalent positions:

9 \$ 5,293,526
 10 FTEs 110.25

11 e. For the operation of the Mt. Pleasant
 12 correctional facility, including salaries, support,
 13 maintenance, employment of 141 correctional officers
 14 and a full-time chaplain to provide religious
 15 counseling at the Oakdale and Mt. Pleasant
 16 correctional facilities, miscellaneous purposes, and
 17 for not more than the following full-time equivalent
 18 positions:

19 \$ 13,219,851
 20 FTEs 258.92

21 f. For the operation of the Rockwell City
 22 correctional facility, including salaries, support,
 23 maintenance, employment of 58 correctional officers,
 24 miscellaneous purposes, and for not more than the
 25 following full-time equivalent positions:

26 \$ 5,341,798
 27 FTEs 112.00

28 g. For the operation of the Clarinda correctional
 29 facility, including salaries, support, maintenance,
 30 employment of 68 correctional officers, miscellaneous
 31 purposes, and for not more than the following full-
 32 time equivalent positions:

33 \$ 6,308,034
 34 FTEs 136.20

35 h. For the operation of the Mitchellville
 36 correctional facility, including salaries, support,
 37 maintenance, employment of 71.50 correctional
 38 officers, miscellaneous purposes, and for not more
 39 than the following full-time equivalent positions:

40 \$ 6,081,317
 41 FTEs 133.00

42 The department of corrections shall analyze and
 43 compare policies and guidelines concerning inmates at
 44 the correctional facilities, and shall propose
 45 revisions to the general assembly as necessary to
 46 ensure that male and female inmates have comparable
 47 opportunities for education, vocational education, and
 48 treatment at the state correctional facilities. Where
 49 legislative action is not necessary to ensure
 50 comparable opportunities, the department shall take

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1 administrative action to implement the policies or
2 guidelines needed to accomplish the comparable
3 opportunities mandated by this paragraph. The
4 department shall report the progress on the analysis
5 and comparison of the policies and guidelines, and any
6 changes made, to the co-chairpersons and ranking
7 members of the joint appropriations subcommittee on
8 the justice system and the legislative fiscal bureau
9 on or before December 15, 1994.

10 2. The department of corrections shall provide a
11 report to the co-chairpersons and ranking members of
12 the joint appropriations subcommittee on the justice
13 system and the joint appropriations subcommittee on
14 education, the chairpersons and ranking members of the
15 senate and house standing committees on education, and
16 the legislative fiscal bureau on or before January 15,
17 1995, outlining the implementation of the centralized
18 education program for the correctional system. The
19 report shall include a listing of the educational
20 institutions that are involved, the amount of any
21 federal funds received for use with these programs,
22 and any other pertinent information.

23 3. If the inmate tort claim fund for inmate claims
24 of less than \$50 is exhausted during the fiscal year,
25 sufficient funds shall be transferred from the
26 institutional budgets to pay approved tort claims for
27 the balance of the fiscal year. The warden or
28 superintendent of each institution or correctional
29 facility shall designate an employee to receive,
30 investigate, and recommend whether to pay any properly
31 filed inmate tort claim for less than the above
32 amount. The designee's recommendation shall be
33 approved or denied by the warden or superintendent and
34 forwarded to the department of corrections for final
35 approval and payment. The amounts appropriated to
36 this fund pursuant to 1987 Iowa Acts, chapter 234,
37 section 304, subsection 2, are not subject to
38 reversion under section 8.33.

39 Tort claims denied at the institution shall be
40 forwarded to the state appeal board for their
41 consideration as if originally filed with that body.
42 This procedure shall be used in lieu of chapter 669
43 for inmate tort claims of less than \$50.

44 4. The department of corrections shall submit a
45 plan to the general assembly prior to January 1, 1995,
46 to establish in the institutions a mandatory literacy
47 requirement for all inmates. The plan shall include
48 the following:

49 a. Statistics indicating the current reading and
50 education levels of the average inmate.

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1 b. The funding and number of years necessary for
 2 implementation.
 3 c. The feasibility of mandating participation and
 4 the need for exemptions.
 5 d. The availability of sanctions and incentives.
 6 e. The special education services for inmates
 7 under the age of twenty-one.
 8 f. The continuation of educational programming
 9 after release.
 10 5. The department of corrections, in consultation
 11 and cooperation with the judicial district departments
 12 of correctional services, board of parole, division of
 13 criminal and juvenile justice planning of the
 14 department of human rights, and any other applicable
 15 state agencies, shall provide a report detailing the
 16 steps taken to implement the reports of the
 17 consultants retained by the corrections system review
 18 task force established by 1988 Iowa Acts, chapter
 19 1271, section 14. The department shall provide the
 20 report to the co-chairpersons and ranking members of
 21 the joint appropriations subcommittee on the justice
 22 system and the legislative fiscal bureau, on or before
 23 January 15, 1995.

24 6. In accordance with the financing methods
 25 specified in the plan for financing of additional
 26 correctional beds at correctional facilities and
 27 community-based correctional facilities provided in
 28 this Act, the department of corrections shall
 29 construct a 750-bed, medium security correctional
 30 facility for men, to be located at or near the
 31 Clarinda correctional facility.

32 Sec. 5. DEPARTMENT OF CORRECTIONS --
 33 ADMINISTRATION. There is appropriated from the
 34 general fund of the state to the department of
 35 corrections for the fiscal year beginning July 1,
 36 1994, and ending June 30, 1995, the following amounts,
 37 or so much thereof as is necessary, to be used for the
 38 purposes designated:

39 1. For general administration, including salaries,
 40 support, maintenance, employment of an education
 41 director and clerk to administer a centralized
 42 education program for the correctional system,
 43 miscellaneous purposes, and for not more than the
 44 following full-time equivalent positions:

45	\$	2,223,408
46	FTEs	38.52

47 The department shall monitor the use of the
 48 classification model by the judicial district
 49 departments of correctional services and has the
 50 authority to override a district department's decision

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1 regarding classification of community-based clients.
2 The department shall notify a district department of
3 the reasons for the override.

4 2. For reimbursement of counties for temporary
5 confinement of work release and parole violators, as
6 provided in sections 901.7, 904.908, and 906.17 and
7 for offenders confined pursuant to section 904.513:

8 \$ 237,038

9 3. For federal prison reimbursement,
10 reimbursements for out-of-state placements, and
11 miscellaneous contracts:

12 \$ 341,334

13 The department of corrections shall use funds
14 appropriated by this subsection to continue to
15 contract for the services of a Muslim imam.

16 4. For salaries, support, maintenance,
17 miscellaneous purposes, and for not more than the
18 following full-time equivalent positions at the
19 correctional training center at Mt. Pleasant:

20 \$ 381,095

21 FTEs 7.16

22 5. For annual payment relating to the financial
23 arrangement for the construction of expansion in
24 prison capacity as provided in 1989 Iowa Acts, chapter
25 316, section 7, subsection 6:

26 \$ 625,860

27 6. For annual payment relating to the financial
28 arrangement for the construction of expansion in
29 prison capacity as provided in 1990 Iowa Acts, chapter
30 1257, section 24:

31 \$ 3,186,995

32 Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF
33 CORRECTIONAL SERVICES.

34 1. There is appropriated from the general fund of
35 the state to the department of corrections for the
36 fiscal year beginning July 1, 1994, and ending June
37 30, 1995, the following amounts, or so much thereof as
38 is necessary, to be allocated as follows:

39 a. For the first judicial district department of
40 correctional services, including the treatment and
41 supervision of probation and parole violators who have
42 been released from the department of corrections
43 violator program, the following amount, or so much
44 thereof as is necessary:

45 \$ 6,226,704

46 (1) The district department shall continue the
47 intensive supervision program established within the
48 district in 1988 Iowa Acts, chapter 1271, section 6,
49 subsection 1, paragraph "a", and the sex offender
50 treatment program established within the district in

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1 1989 Iowa Acts, chapter 316, section 8, subsection 1,
2 paragraph "a".

3 (2) The district department, in cooperation with
4 the chief judge of the judicial district, shall
5 continue the implementation of a plan to divert low-
6 risk offenders to the least restrictive sanction
7 available.

8 b. For the second judicial district department of
9 correctional services, including the treatment and
10 supervision of probation and parole violators who have
11 been released from the department of corrections
12 violator program, the following amount, or so much
13 thereof as is necessary:

14 \$ 4,791,293

15 (1) The district department shall continue the sex
16 offender treatment program established within the
17 district in 1988 Iowa Acts, chapter 1271, section 6,
18 subsection 1, paragraph "b".

19 (2) The district department, in cooperation with
20 the chief judge of the judicial district, shall
21 continue the implementation of a plan to divert low-
22 risk offenders to the least restrictive sanction
23 available.

24 c. For the third judicial district department of
25 correctional services, including the treatment and
26 supervision of probation and parole violators who have
27 been released from the department of corrections
28 violator program, the following amount, or so much
29 thereof as is necessary:

30 \$ 3,114,437

31 (1) The district department shall continue the sex
32 offender treatment program established within the
33 district in 1988 Iowa Acts, chapter 1271, section 6,
34 subsection 1, paragraph "c", and the intensive
35 supervision program established within the district in
36 1990 Iowa Acts, chapter 1268, section 6, subsection 3,
37 paragraph "d".

38 (2) The district department, in cooperation with
39 the chief judge of the judicial district, shall
40 continue the implementation of a plan to divert low-
41 risk offenders to the least restrictive sanction
42 available.

43 d. For the fourth judicial district department of
44 correctional services, including the treatment and
45 supervision of probation and parole violators who have
46 been released from the department of corrections
47 violator program, the following amount, or so much
48 thereof as is necessary:

49 \$ 2,316,208

50 (1) The district department shall continue the sex

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1 offender treatment program established within the
2 district in 1988 Iowa Acts, chapter 1271, section 6,
3 subsection 1, paragraph "d".

4 (2) The district department, in cooperation with
5 the chief judge of the judicial district, shall
6 continue the implementation of a plan to divert low-
7 risk offenders to the least restrictive sanction
8 available.

9 e. For the fifth judicial district department of
10 correctional services, including the treatment and
11 supervision of probation and parole violators who have
12 been released from the department of corrections
13 violator program, the following amount, or so much
14 thereof as is necessary:

15 \$ 8,401,666

16 (1) The district department shall continue the
17 intensive supervision program established within the
18 district in 1988 Iowa Acts, chapter 1271, section 6,
19 subsection 1, paragraph "e", and shall continue to
20 provide for the rental of electronic monitoring
21 equipment.

22 (2) The district department, in cooperation with
23 the chief judge of the judicial district, shall
24 continue the implementation of a plan to divert low-
25 risk offenders to the least restrictive sanction
26 available.

27 f. For the sixth judicial district department of
28 correctional services, including the treatment and
29 supervision of probation and parole violators who have
30 been released from the department of corrections
31 violator program, the following amount, or so much
32 thereof as is necessary:

33 \$ 6,279,190

34 (1) The district department shall continue the
35 intensive supervision program established within the
36 district in 1988 Iowa Acts, chapter 1271, section 6,
37 subsection 1, paragraph "f", and the sex offender
38 treatment program established within the district in
39 1989 Iowa Acts, chapter 316, section 8, subsection 1,
40 paragraph "f".

41 (2) The district department, in cooperation with
42 the chief judge of the judicial district, shall
43 continue the implementation of a plan to divert low-
44 risk offenders to the least restrictive sanction
45 available.

46 (3) The district department shall continue the
47 implementation of a plan providing for the expanded
48 use of intermediate criminal sanctions, as provided in
49 1993 Iowa Acts, chapter 171, section 6, subsection 1,
50 paragraph "f", subparagraph (3).

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1 (4) Of the funds appropriated in this paragraph,
 2 the district department shall use not more than
 3 \$40,000, to provide for financial arrangements,
 4 including entering a lease-purchase agreement, for the
 5 relocation of the Cedar Rapids community corrections
 6 center.

7 g. For the seventh judicial district department of
 8 correctional services, including the treatment and
 9 supervision of probation and parole violators who have
 10 been released from the department of corrections
 11 violator program, the following amount, or so much
 12 thereof as is necessary:

13 \$ 4,229,668

14 (1) The district department shall continue the
 15 intensive supervision program established within the
 16 district in 1988 Iowa Acts, chapter 1271, section 6,
 17 subsection 1, paragraph "g", and shall continue the
 18 sex offender treatment program established within the
 19 district in 1989 Iowa Acts, chapter 316, section 8,
 20 subsection 1, paragraph "g".

21 (2) The district department shall continue the job
 22 development program established within the district in
 23 1990 Iowa Acts, chapter 1268, section 6, subsection 7,
 24 paragraph "e".

25 (3) The district department, in cooperation with
 26 the chief judge of the judicial district, shall
 27 continue the implementation of a plan to divert low-
 28 risk offenders to the least restrictive sanction
 29 available.

30 h. For the eighth judicial district department of
 31 correctional services, including the treatment and
 32 supervision of probation and parole violators who have
 33 been released from the department of corrections
 34 violator program, the following amount, or so much
 35 thereof as is necessary:

36 \$ 3,627,295

37 (1) The district department shall continue the
 38 intensive supervision program established within the
 39 district in 1988 Iowa Acts, chapter 1271, section 6,
 40 subsection 1, paragraph "h", and shall continue the
 41 sex offender treatment program established within the
 42 district in 1989 Iowa Acts, chapter 316, section 9,
 43 subsection 1, paragraph "h".

44 (2) The district department, in cooperation with
 45 the chief judge of the judicial district, shall
 46 continue the implementation of a plan to divert low-
 47 risk offenders to the least restrictive sanction
 48 available.

49 i. For the department of corrections for the
 50 assistance and support of each judicial district

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1 department of correctional services, the following
2 amount, or so much thereof as is necessary:

3 \$ 85,817

4 2. The department of corrections shall continue
5 the OWI facilities established in 1986 Iowa Acts,
6 chapter 1246, section 402, in compliance with the
7 conditions specified in that section.

8 3. The department of corrections shall continue to
9 contract with a judicial district department of
10 correctional services to provide for the rental of
11 electronic monitoring equipment which shall be
12 available statewide.

13 4. Each judicial district department of
14 correctional services and the department of
15 corrections shall continue the treatment alternatives
16 to street crime programs established in 1989 Iowa
17 Acts, chapter 225, section 9.

18 5. The first, sixth, and eighth judicial district
19 departments of correctional services and the
20 department of corrections shall continue the job
21 training and development grant programs established in
22 1989 Iowa Acts, chapter 316, section 7, subsection 2.

23 6. The department of corrections shall not make an
24 intradepartmental transfer of moneys appropriated to
25 the department, unless notice of the intradepartmental
26 transfer is given prior to its effective date to the
27 legislative fiscal bureau. The notice shall include
28 information on the department's rationale for making
29 the transfer and details concerning the work load and
30 performance measures upon which the transfers are
31 based.

32 7. The governor's alliance on substance abuse
33 shall consider federal grants made to the department
34 of corrections for the benefit of each of the eight
35 judicial district departments of correctional services
36 as local government grants, as defined pursuant to
37 federal regulations.

38 8. Each judicial district department of
39 correctional services shall provide a report
40 concerning the treatment and supervision of probation
41 and parole violators who have been released from the
42 department of corrections violator program, to the co-
43 chairpersons and ranking members of the joint
44 appropriations subcommittee on the justice system and
45 the legislative fiscal bureau, on or before January
46 15, 1995.

47 9. It is the intent of the general assembly that
48 each judicial district department of correctional
49 services shall operate the community-based
50 correctional facilities in a manner which provides for

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1 a residential population of at least 110 percent of
2 the design capacity of the facility.

3 Sec. 7. JUDICIAL DEPARTMENT. There is
4 appropriated from the general fund of the state to the
5 judicial department for the fiscal year beginning July
6 1, 1994, and ending June 30, 1995, the following
7 amounts, or so much thereof as is necessary, to be
8 used for the purposes designated:

9 1. For salaries of supreme court justices,
10 appellate court judges, district court judges,
11 district associate judges, judicial magistrates and
12 staff, state court administrator, clerk of the supreme
13 court, district court administrators, clerks of the
14 district court, trial court supervisors, trial court
15 technicians II, financial supervisors I and II,
16 juvenile court officers, board of law examiners and
17 board of examiners of shorthand reporters and judicial
18 qualifications commission, receipt and disbursement of
19 child support payments, reimbursement of the auditor
20 of state for expenses incurred in completing audits of
21 the offices of the clerks of the district court during
22 the fiscal year beginning July 1, 1994, and
23 maintenance, equipment, and miscellaneous purposes:
24 S 81,470,924

25 a. The judicial department, except for purposes of
26 internal processing, shall use the current state
27 budget system, the state payroll system, and the Iowa
28 finance and accounting system in administration of
29 programs and payments for services, and shall not
30 duplicate the state payroll, accounting, and budgeting
31 systems.

32 b. The judicial department shall submit monthly
33 financial statements to the legislative fiscal bureau
34 and the department of management containing all
35 appropriated accounts in the same manner as provided
36 in the monthly financial status reports and personal
37 services usage reports of the department of revenue
38 and finance. The monthly financial statements shall
39 include a comparison of the dollars and percentage
40 spent of budgeted versus actual revenues and
41 expenditures on a cumulative basis for full-time
42 equivalent positions and dollars.

43 c. It is the intent of the general assembly that
44 counties installing new telephone systems shall
45 provide those systems to all judicial department
46 offices within the county at no cost.

47 d. Of the funds appropriated in this subsection,
48 not more than \$1,897,728 may be transferred into the
49 revolving fund established pursuant to section
50 602.1302, subsection 3, to be used for the payment of

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1 jury and witness fees and mileage.

2 e. The judicial department shall use not more than
3 \$150,000 of the funds appropriated in this subsection
4 for educational purposes in implementing the
5 recommendations of the equality in the courts task
6 force. The judicial department, in cooperation and
7 consultation with the prosecuting attorneys training
8 coordinator, shall use the funds so appropriated for
9 the education and training of employees of the
10 judicial department and prosecuting attorneys, as
11 defined in section 13A.1.

12 f. Of the funds appropriated in this subsection,
13 the judicial department shall use not more than
14 \$35,000 to reestablish the court appointed special
15 advocate program in Woodbury county.

16 g. Of the funds appropriated pursuant to this
17 subsection, the judicial department shall use not more
18 than \$1,115,000 for increasing the existing capacity
19 of the Iowa court information system by extending the
20 system into additional counties and for the
21 development of a computer software program to allow
22 state agencies to gain access to data in the Iowa
23 court information system. However, the funds shall
24 not be used to expand the applications of the system
25 for purposes other than those for which the system is
26 currently used, and the judicial department shall
27 focus efforts in utilizing the funds referred to in
28 this paragraph upon the collection of delinquent
29 fines, penalties, court costs, fees, surcharges, or
30 similar amounts. Of the funds specified in this
31 paragraph, the judicial department shall use not more
32 than \$20,000 for the development of a computer
33 software program to allow state agencies to gain
34 access to data in the Iowa court information system.
35 The judicial department shall investigate the most
36 efficient way to complete the expansion of the
37 department's entire communication and information
38 management system, and include this information in a
39 report to be submitted to the co-chairpersons and
40 ranking members of the joint appropriations
41 subcommittee on the justice system and the legislative
42 fiscal bureau, on or before January 15, 1995.

43 h. It is the intent of the general assembly that
44 the offices of the clerks of the district court
45 operate in all ninety-nine counties and be accessible
46 to the public as much as is reasonably possible in
47 order to address the relative needs of the citizens of
48 each county.

49 i. The judicial department shall report to the co-
50 chairpersons and ranking members of the joint

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1 appropriations subcommittee on the justice system by
2 February 1, 1995, concerning an evaluation of the
3 needs of the court system, particularly resources
4 necessary to meet the increasing demands on the
5 courts. The report shall also identify legislative
6 changes which would reduce or alleviate the workload
7 of the courts.

8 j. The judicial department shall use a portion of
9 the funds appropriated in this subsection for
10 educating and training the appropriate court personnel
11 in alternative dispute resolution techniques.

12 2. For the juvenile victim restitution program:

13 \$ 131,663

14 Sec. 8. IOWA COURT INFORMATION SYSTEM. There is
15 appropriated from the general fund of the state to the
16 judicial department for the fiscal year beginning July
17 1, 1994, and ending June 30, 1995, the following
18 amount, or so much thereof as is necessary, to be used
19 for the purpose designated:

20 For the Iowa court information system:

21 S 857,500

22 1. The judicial department shall not change the
23 appropriations from the amounts appropriated in this
24 section, unless notice of the revisions is given prior
25 to their effective date to the legislative fiscal
26 bureau. The notice shall include information on the
27 department's rationale for making the changes and
28 details concerning the work load and performance
29 measures upon which the changes are based.

30 2. The judicial department shall provide a report
31 semiannually to the co-chairpersons and ranking
32 members of the joint appropriations subcommittee on
33 the justice system and the legislative fiscal bureau
34 specifying the amounts of fines, surcharges, and court
35 costs collected using the Iowa court information
36 system. The report shall demonstrate and specify how
37 the Iowa court information system is used to improve
38 the collection process. The report shall also compare
39 fines, surcharges, and court costs collected in
40 selected counties which are using an automated system
41 versus the amounts collected in at least three
42 counties which are not using an automated system.

43 Sec. 9. JUDICIAL RETIREMENT FUND. There is
44 appropriated from the general fund of the state to the
45 judicial retirement fund for the fiscal year beginning
46 July 1, 1994, and ending June 30, 1995, the following
47 amount, or so much thereof as is necessary, to be used
48 for the purpose designated:

49 For the state's contribution to the judicial
50 retirement fund established in section 602.9104, in

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1 the amount of 23.7 percent of the basic salaries of
 2 the judges covered under chapter 602, article 9:
 3 \$ 3,150,915

4 If House File 2418 or Senate File 2251 is not
 5 enacted by the Seventy-fifth General Assembly, 1994
 6 Regular Session, in a manner which enacts a new
 7 section 602.9104A or other provision to prohibit the
 8 deposit of certain court revenues in the judicial
 9 retirement fund, then the appropriation provided in
 10 this section is reduced by \$2,019,682. If Senate File
 11 413 is not enacted by the Seventy-fifth General
 12 Assembly, 1994 Regular Session, in a manner which
 13 provides for an increase in certain court costs, fees,
 14 fines, penalties, surcharges, forfeited bail, or
 15 similar charges collected by the court and the
 16 ultimate deposit of at least some of the increase in
 17 the general fund of the state, then the appropriation
 18 in this section is reduced by \$752,000. If both of
 19 the contingencies specified in this paragraph occur,
 20 the appropriation provided in this section is reduced
 21 by \$2,771,682. The judicial department shall file a
 22 report with the legislative fiscal bureau for each
 23 quarter of the fiscal year commencing July 1, 1994,
 24 detailing any additional amounts deposited in the
 25 general fund of the state as a result of the
 26 provisions of Senate File 413, if enacted.

27 Sec. 10. COURT TECHNOLOGY AND MODERNIZATION. If
 28 Senate File 413 or similar legislation is not enacted
 29 by the Seventy-fifth General Assembly, second regular
 30 session, in a manner which establishes a court
 31 technology and modernization fund as a separate fund
 32 in the state treasury, with an allocation of
 33 \$1,000,000 of court revenues to the fund, then there
 34 is appropriated from the general fund of the state to
 35 the judicial department for the fiscal year beginning
 36 July 1, 1994, and ending June 30, 1995, the following
 37 amount, or so much thereof as is necessary, to be used
 38 for the purpose designated:

39 For modernization and enhancement of court tech-
 40 nology:
 41 \$ 1,000,000

42 1. The judicial department shall use not more than
 43 \$800,000 of the moneys, if appropriated pursuant to
 44 this section, to enhance the ability of the judicial
 45 department to process cases more quickly and
 46 efficiently, to electronically transmit information to
 47 state government, local governments, law enforcement
 48 agencies, and the public, and to improve public access
 49 to the court system. The moneys specified in this
 50 subsection shall not be used for the Iowa court

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1 information system.

2 2. The judicial department shall use not more than
3 \$200,000 of the moneys, if appropriated pursuant to
4 this section, in equal amounts to facilitate
5 alternative dispute resolution and methods to resolve
6 domestic abuse cases, which may include personnel for
7 hearings under section 236.4.

8 Sec. 11. AUTOMATED DATA SYSTEM. The department of
9 corrections, judicial district departments of
10 correctional services, board of parole, and the
11 judicial department shall continue to develop an
12 automated data system for use in the sharing of
13 information between the department of corrections,
14 judicial district departments of correctional
15 services, board of parole, and the judicial
16 department. The information to be shared shall
17 concern any individual who may, as the result of an
18 arrest or infraction of any law, be subject to the
19 jurisdiction of the department of corrections,
20 judicial district departments of correctional
21 services, or board of parole. The department of
22 corrections, in consultation and cooperation with the
23 judicial district departments of correctional
24 services, the board of parole, and the judicial
25 department, shall provide a report concerning the
26 development of the automated data system to the co-
27 chairpersons and ranking members of the joint
28 appropriations subcommittee on the justice system and
29 the legislative fiscal bureau, on or before January
30 15, 1995.

31 Sec. 12. PLACEMENTS FOR ELDERLY, MENTALLY ILL,
32 MENTALLY RETARDED, OR INFIRM INMATES. The department
33 of corrections, board of parole, Iowa department of
34 public health, department of human services,
35 department of elder affairs, and department of
36 inspections and appeals shall cooperate in developing
37 community-based placements for elderly, mentally ill,
38 mentally retarded, or infirm inmates who, by nature of
39 their medical and criminal histories, are deemed to be
40 low-risk for committing future public offenses.
41 Community-based placements may include, but are not
42 limited to, county care facilities, retirement homes,
43 or veterans homes. The departments shall consider the
44 potential for these community-based placement
45 facilities to obtain federal funds for providing
46 services to these inmates. The department of
47 corrections shall develop a parole plan for these
48 inmates once a community-based placement has been
49 developed. The department of corrections shall
50 identify those inmates who are ineligible for parole

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1 in the near future, but who would otherwise qualify
2 for community-based placements under this section, and
3 shall issue a request for proposals on or before
4 November 1, 1994, from private institutions which
5 would be able to accept transfers of such inmates in
6 accordance with section 904.503. In preparing the
7 request for proposals, the department shall include
8 relevant information concerning the availability of
9 funding sources to assist in the payment of services
10 for such inmates. The department of corrections shall
11 provide a report concerning the activities of
12 developing community-based placements for elderly or
13 infirm inmates to the co-chairpersons and ranking
14 members of the joint appropriations subcommittee on
15 the justice system and the legislative fiscal bureau,
16 on or before January 15, 1995.

17 Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL
18 TRAINING. The state prison industries board and the
19 department of corrections shall continue the
20 implementation of a plan to enhance vocational
21 training opportunities within the correctional
22 institutions listed in section 904.102, as provided in
23 1993 Iowa Acts, chapter 171, section 12. The plan
24 shall provide for increased vocational training
25 opportunities within the correctional institutions,
26 including the possibility of approving community
27 college credit for inmates working in prison
28 industries. The department of corrections shall
29 provide a report concerning the implementation of the
30 plan to the co-chairpersons and ranking members of the
31 joint appropriations subcommittee on the justice
32 system and the legislative fiscal bureau, on or before
33 January 15, 1995.

34 Sec. 14. MONEYS RECOVERED THROUGH COURT-APPOINTED
35 RECEIVER -- NONREVERSION -- USES OF FUNDS.

36 1. As used in this section, unless the context
37 otherwise requires, "recovered funds" means moneys
38 which were appropriated to the department of
39 corrections in previous fiscal years for the purposes
40 of the judicial district departments of correctional
41 services, which have been recovered in the fiscal year
42 commencing July 1, 1993, as a result of the actions of
43 the court-appointed receiver in litigation pertaining
44 to the Iowa trust matter, and which would otherwise be
45 deposited in the general fund of the state.

46 2. Notwithstanding any other provision of law to
47 the contrary, recovered funds shall not revert to the
48 general fund of the state at the end of the fiscal
49 year commencing July 1, 1993, but shall be available
50 to and transferred by the department of corrections,

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1 in the manner and in the amounts specified in
2 subsection 3. Recovered funds shall be deemed
3 dedicated to the purposes specified in this section,
4 rather than the original purposes for which the moneys
5 were appropriated.

6 3. Notwithstanding any other provision of law to
7 the contrary, the department of corrections shall
8 transfer and remit recovered funds as follows:

9 a. The department of corrections shall make
10 available \$150,000 of the recovered funds to the first
11 judicial district department of correctional services,
12 for use in the fiscal year commencing July 1, 1994, to
13 pay for the construction of 8 additional community-
14 based corrections residential beds at the West Union
15 community-based correctional facility.

16 b. The department of corrections shall transfer
17 \$148,500 to the second judicial district department of
18 correctional services, for use in the fiscal year
19 commencing July 1, 1994, to make the financial
20 arrangements necessary to relocate the Marshalltown
21 community-based correctional facility, and to increase
22 the number of community-based corrections residential
23 beds at the relocated facility, from the current 24
24 residential beds to 40 residential beds. The second
25 judicial district department of correctional services
26 shall use the recovered funds transferred by this
27 paragraph to pay the initial costs connected with the
28 relocation and construction project, including but not
29 limited to, architectural fees, costs associated with
30 obtaining lease-purchase financing, and additional
31 equipment needs.

32 c. The department of corrections shall remit the
33 additional recovered funds not otherwise transferred
34 or made available in this subsection to the treasurer
35 of state, the recovered funds shall be available to
36 the judicial department, and the treasurer of state
37 shall transfer and distribute the recovered funds to
38 the judicial department for use in the fiscal year
39 commencing July 1, 1994. The judicial department
40 shall use the recovered funds for the purposes
41 specified, and subject to the limitations enumerated,
42 in section 7, subsection 1 of this Act, and the
43 amounts available to the judicial department through
44 the use of recovered funds shall be in addition to any
45 moneys otherwise appropriated in this Act.

46 4. The department of corrections, the first and
47 second judicial district departments of correctional
48 services, and the judicial department shall use
49 recovered funds for the purposes specified in this
50 section in the fiscal year commencing July 1, 1994,

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1 and any funds which are unexpended at the end of the
2 fiscal year commencing July 1, 1994, shall revert to
3 the general fund of the state.

4 Sec. 15. APPROPRIATIONS TO THE DEPARTMENT OF
5 CORRECTIONS -- MONEYS ENCUMBERED -- PRIORITIES.

6 1. Notwithstanding any other provision of law to
7 the contrary, moneys appropriated to the department of
8 corrections pursuant to 1993 Iowa Acts, chapter 171,
9 sections 4, 5, and 6, shall be considered encumbered
10 pursuant to section 8.33, and shall not revert to the
11 general fund of the state at the end of the fiscal
12 year commencing July 1, 1993. As used in this
13 section, unless the context otherwise requires,
14 "encumbered funds" means the moneys appropriated to
15 the department of corrections pursuant to 1993 Iowa
16 Acts, chapter 171, sections 4, 5, and 6, which would
17 otherwise revert to the general fund of the state
18 after the end of the fiscal year in which the moneys
19 were appropriated, but for the prohibition contained
20 in this section.

21 2. The department of corrections shall use
22 encumbered funds in the fiscal year commencing July 1,
23 1994, to fund up to an additional 50 FTEs for the
24 employment of correctional officers in the
25 correctional institutions specified in section
26 904.102, and to purchase critically needed safety
27 equipment, including but not limited to radios,
28 emergency notification equipment, surveillance
29 cameras, and other necessary surveillance and
30 emergency response equipment, for use in correctional
31 institutions. The FTEs provided in this section for
32 the employment of correctional officers and the
33 funding provided for the purchase of equipment are in
34 addition to any FTEs or equipment funded in section 4
35 of this Act. The department of corrections shall use
36 its discretion in distributing the additional
37 correctional officers and equipment throughout the
38 correctional facilities. The department of
39 corrections shall file a report with the department of
40 management concerning correctional officer positions
41 filled and critically needed safety equipment
42 purchased from encumbered funds provided under this
43 section. If the department is able to fund an
44 additional 50 FTEs for the employment of correctional
45 officers pursuant to this section and to purchase all
46 critically needed safety equipment, any remaining
47 funds shall be unencumbered and shall revert to the
48 general fund of the state at the end of the fiscal
49 year commencing July 1, 1994.

50 Sec. 16. STATE AGENCY PURCHASES FROM PRISON

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1 INDUSTRIES.

2 1. As used in this section, unless the context
3 otherwise requires, "state agency" means the
4 government of the state of Iowa, including but not
5 limited to all executive departments, agencies,
6 boards, bureaus, and commissions, the judicial
7 department, the general assembly and all legislative
8 agencies, institutions within the purview of the state
9 board of regents, and any corporation whose primary
10 function is to act as an instrumentality of the state.

11 2. State agencies are hereby encouraged to
12 purchase products from Iowa state industries, as
13 defined in section 904.802, when purchases are
14 required and the products are available from Iowa
15 state industries.

16 Sec. 17. INDIGENT DEFENSE COSTS. The supreme
17 court shall submit a written report for the preceding
18 fiscal year no later than January 1 of each year
19 indicating the amounts collected pursuant to section
20 815.9A, relating to recovery of indigent defense
21 costs. The report shall include the total amount
22 collected by all courts, as well as the amounts
23 collected by each judicial district. The supreme
24 court shall also submit a written report quarterly
25 indicating the number of criminal and juvenile filings
26 which occur in each judicial district for purposes of
27 estimating indigent defense costs. A copy of each
28 report shall be provided to the public defender, the
29 department of management, and the legislative fiscal
30 bureau.

31 Sec. 18. SENTENCING STUDY. The legislative
32 council is requested to establish an interim study
33 committee to review current criminal penalties and
34 sentencing practices, including but not limited to the
35 effects of mandatory minimum penalties on sentencing
36 practices and the effects of sentencing practices on
37 inmate populations at state and adult and residential
38 community-based correctional facilities. The
39 committee shall also conduct a comparative assessment
40 of the relative penalties imposed for various crimes
41 based not only on the threat posed by the prohibited
42 criminal conduct, but also by the risk generally
43 associated with particular criminal offenders.

44 Sec. 19. PLAN FOR FINANCING OF ADDITIONAL
45 CORRECTIONAL BEDS AT CORRECTIONAL FACILITIES AND
46 COMMUNITY-BASED CORRECTIONAL FACILITIES.

47 1. Except for those projects authorized in the
48 section of this Act utilizing moneys recovered through
49 the court-appointed receiver in the Iowa trust matter
50 for construction of additional community-based

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1 residential beds in the first and second judicial
2 district departments of correctional services and
3 those projects for which at least partial funding is
4 appropriated in this Act for the fiscal year beginning
5 July 1, 1994, the department of corrections shall not
6 proceed with any plans for the construction or lease
7 of additional correctional beds at correctional
8 facilities and community-based corrections residential
9 facilities unless the beds are financed in accordance
10 with this section. If the general assembly authorizes
11 the construction or lease of additional correctional
12 beds pursuant to this Act, such action shall
13 constitute a declaration by the general assembly that
14 additional correctional beds and the financing
15 specified in this section serve the public purpose and
16 are essential governmental functions that promote the
17 general welfare of the citizens of the state of Iowa.

18 2. Pursuant to the guidelines established in this
19 subsection, the treasurer of state shall determine
20 which of the financing methods specified in this
21 subsection shall be used for funding any additional
22 correctional beds authorized pursuant to this Act.

23 a. If the treasurer of state determines that bonds
24 can be issued in accordance with sections 16.177 and
25 602.8108A, then the bonding method specified in those
26 sections shall be used to fund any additional
27 correctional beds provided in this Act.

28 b. If the treasurer of state determines that bonds
29 cannot be issued in accordance with sections 16.177
30 and 602.8108A, then the treasurer of state shall
31 inform the department of corrections in writing that
32 bonds shall not be issued, and the department of
33 corrections shall proceed in accordance with this
34 paragraph. If the general assembly authorizes
35 additional correctional beds pursuant to this Act, and
36 the treasurer of state informs the department of
37 corrections that bonds cannot be issued, the
38 department of corrections shall enter into financial
39 arrangements with the department of general services
40 pursuant to section 18.12 to fund the construction of
41 any additional correctional beds authorized in this
42 Act, with an initial payment under the financial
43 arrangements that is not due until on or after July 1,
44 1995.

45 c. (1) If a separate provision of this Act
46 authorizes the construction of a 750-bed, medium
47 security correctional facility for men, to be located
48 at or near the Clarinda correctional facility, the
49 treasurer of state shall, within thirty days of the
50 enactment of this Act, analyze whether the financing

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1 method specified in paragraph "a" or "b" of this
2 subsection provides for financing the project in a
3 manner which is less expensive to the state than the
4 method specified in subparagraph (2) of this
5 paragraph. The treasurer of state shall report the
6 findings of the analysis to the department of
7 corrections. If the manner specified in paragraph "a"
8 or "b" is found by the treasurer of state to be less
9 expensive and a separate provision of this Act
10 authorizes the construction, the construction shall be
11 financed as provided in paragraph "a" or "b".
12 However, if the construction financing is less
13 expensive pursuant to subparagraph (2) of this
14 paragraph and a separate provision of this Act
15 authorizes the construction, the construction shall
16 proceed in the manner specified in subparagraph (2).
17 (2) If a separate provision of this Act authorizes
18 the construction of a 750-bed, medium security
19 correctional facility for men, to be located at or
20 near the Clarinda correctional facility, and the
21 treasurer of state determines pursuant to subparagraph
22 (1) that financing is less expensive pursuant to this
23 subparagraph, then notwithstanding any other provision
24 of law to the contrary or any provision providing for
25 an alternative or independent method of establishing a
26 correctional facility, the department of corrections
27 may establish a correctional facility pursuant to this
28 subparagraph and the separate provision of this Act
29 authorizing the construction. The department of human
30 services may lease unimproved real property located
31 near the state mental health institute at Clarinda to
32 a person or entity that is leasing the property for
33 the purpose of constructing a 750-bed, medium security
34 correctional facility. The department of corrections
35 may enter into a lease or lease-purchase agreement, to
36 lease the newly constructed correctional facility from
37 the person or entity leasing the real property from
38 the department of human services. Notwithstanding any
39 other provision of law to the contrary, a party to a
40 lease or lease-purchase agreement entered into
41 pursuant to this subparagraph shall not be required to
42 publish any notice or proceed with any other or
43 further proceedings with respect to the lease or
44 lease-purchase agreement, except as otherwise provided
45 in this subparagraph. Any lease entered into in
46 accordance with this subparagraph shall specify the
47 duration of the lease and any possible extensions, as
48 well as whether a purchase option is included. The
49 department of corrections may enter into a lease
50 agreement pursuant to this subparagraph for an

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1 original term of one year, or for an original term of
2 a different duration. However, if the original term
3 is for one year, the lease agreement shall provide
4 automatic one-year extensions of the term, and such
5 automatic extensions shall occur unless legislation is
6 enacted prior to the expiration of the original term
7 or the applicable extension which directs the
8 department of corrections to terminate the lease.

9 3. If a provision of this Act provides for the
10 construction or lease of additional correctional beds
11 located at or near the Clarinda correctional facility
12 or the state mental health institute at Clarinda, with
13 financing provided as specified in subsection 2,
14 paragraph "a" or "b" of this section, the treasurer of
15 state and the auditor of state, in cooperation and
16 consultation with each other, shall review the
17 development costs incurred by Clarinda Heartland,
18 Inc., and determine which development costs are
19 necessary and appropriate. Those development costs
20 approved by the treasurer of state and the auditor of
21 state shall be paid through the financing method
22 authorized pursuant to subsection 2, paragraph "a" or
23 "b" of this section. However, costs associated with
24 lobbying on behalf of Clarinda Heartland, Inc. shall
25 not be authorized for payment through the financing
26 method authorized pursuant to subsection 2, paragraph
27 "a" or "b" of this section.

28 Sec. 20. NEW SECTION. 16.177 PRISON
29 INFRASTRUCTURE REVENUE BONDS.

30 1. The authority is authorized to issue its bonds
31 to provide prison infrastructure financing as provided
32 in this section. The bonds may only be issued in
33 amounts and to finance projects which have been
34 approved for financing by the general assembly. Bonds
35 may be issued in order to fund the construction and
36 equipping of a project or projects, the payment of
37 interest on the bonds, the establishment of reserves
38 to secure the bonds, the costs of issuance of the
39 bonds and other expenditures incident to or necessary
40 or convenient to carry out the bond issue. The bonds
41 are investment securities and negotiable instruments
42 within the meaning of and for the purposes of the
43 uniform commercial code.

44 2. The department of corrections is authorized to
45 pledge amounts in the Iowa prison infrastructure fund
46 established under section 602.8108A as security for
47 the payment of the principal of, premium, if any, and
48 interest on the bonds. Bonds issued under this
49 section are payable solely and only out of the moneys,
50 assets, or revenues of the fund, all of which may be

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1 resolution, or other instrument of the authority.
2 However, a trust indenture, resolution, or other
3 instrument authorizing the issuance of bonds may
4 delegate to an officer of the issuer the power to
5 negotiate and fix the details of an issue of bonds.

6 7. Neither the resolution or trust agreement, nor
7 any other instrument by which a pledge is created is
8 required to be recorded or filed under the uniform
9 commercial code to be valid, binding, or effective.

10 8. Bonds issued under this section are declared to
11 be issued for an essential public and governmental
12 purpose and all bonds issued under this section shall
13 be exempt from taxation by the state of Iowa and the
14 interest on the bonds shall be exempt from the state
15 income tax and the state inheritance and estate tax.

16 9. The authority shall cooperate with the
17 department of corrections in the implementation of
18 this section.

19 10. Notwithstanding any other provision of law to
20 the contrary, competitive bidding shall not be
21 required for the construction of facilities financed
22 by bonds issued pursuant to this section.

23 Sec. 21. NEW SECTION. 602.8108A. PRISON
24 INFRASTRUCTURE FUND.

25 1. The Iowa prison infrastructure fund is created
26 and established as a separate and distinct fund in the
27 state treasury. Notwithstanding any other provision
28 of this chapter to the contrary, the first four
29 million dollars of moneys remitted to the treasurer of
30 state from fines, fees, costs, and forfeited bail
31 collected by the clerks of the district court in
32 criminal cases, including those collected for both
33 scheduled and nonscheduled violations, collected in
34 each fiscal year commencing with the fiscal year
35 beginning July 1, 1995, shall be deposited in the
36 fund. Interest and other income earned by the fund
37 shall be deposited in the fund. If the treasurer of
38 state determines pursuant to this Act that bonds can
39 be issued pursuant to this section and section 16.177,
40 then the moneys in the fund are appropriated to and
41 for the purpose of paying the principal of, premium,
42 if any, and interest on bonds issued by the Iowa
43 finance authority under section 16.177. Except as
44 otherwise provided in subsection 2, amounts in the
45 funds shall not be subject to appropriation for any
46 purpose by the general assembly, but shall be used
47 only for the purposes set forth in this section. The
48 treasurer of state shall act as custodian of the fund
49 and disburse amounts contained in it as directed by
50 the department of corrections including the automatic

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1 deposited with trustees or depositories in accordance
2 with bond or security documents, and are not an
3 indebtedness of this state or the authority, or a
4 charge against the general credit or general fund of
5 the state or the authority, and the state shall not be
6 liable for the bonds except from amounts on deposit in
7 the fund. Bonds issued under this section shall
8 contain a statement that the bonds do not constitute
9 an indebtedness of the state or the authority.

10 3. The proceeds of bonds issued by the authority
11 and not required for immediate disbursement may be
12 deposited with a trustee or depository as provided in
13 the bond documents and invested in any investment
14 approved by the authority and specified in the trust
15 indenture, resolution, or other instrument pursuant to
16 which the bonds are issued without regard to any
17 limitation otherwise provided by law.

18 4. The bonds shall be:

19 a. In a form, issued in denominations, executed in
20 a manner, and payable over terms and with rights of
21 redemption, and be subject to such other terms and
22 conditions as prescribed in the trust indenture,
23 resolution, or other instrument authorizing their
24 issuance.

25 b. Negotiable instruments under the laws of the
26 state and may be sold at prices, at public or private
27 sale, and in a manner, as prescribed by the authority.
28 Chapters 73A, 74, 74A, and 75 do not apply to their
29 sale or issuance of the bonds.

30 c. Subject to the terms, conditions, and
31 covenants providing for the payment of the principal,
32 redemption premiums, if any, interest, and other
33 terms, conditions, covenants, and protective
34 provisions safeguarding payment, not inconsistent with
35 this chapter and as determined by the trust indenture,
36 resolution, or other instrument authorizing their
37 issuance.

38 5. The bonds are securities in which public
39 officers and bodies of this state, political
40 subdivisions of this state, insurance companies and
41 associations and other persons carrying on an
42 insurance business, banks, trust companies, savings
43 associations, savings and loan associations, and
44 investment companies, administrators, guardians,
45 executors, trustees, and other fiduciaries, and other
46 persons authorized to invest in bonds or other
47 obligations of the state, may properly and legally
48 invest funds, including capital, in their control or
49 belonging to them.

50 6. Bonds must be authorized by a trust indenture,

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1 disbursement of funds pursuant to the terms of bond
2 indentures and documents and security provisions to
3 trustees and custodians. The treasurer of state is
4 authorized to invest the funds deposited in the fund
5 subject to any limitations contained in any applicable
6 bond proceedings. Any amounts remaining in the fund
7 at the end of each fiscal year shall be transferred to
8 the general fund.

9 2. If the treasurer of state determines that bonds
10 cannot be issued pursuant to this section and section
11 16.177, the treasurer of state shall deposit the
12 moneys in the prison infrastructure fund into the
13 general fund of the state.

14 Sec. 22. Section 607A.5, Code 1993, is amended to
15 read as follows:

16 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

17 A person shall be excused from jury service if the
18 person submits written documentation verifying, to the
19 court's satisfaction, that the person is solely
20 responsible for the daily care of a permanently
21 disabled person living in the person's household and
22 that the performance of juror service would cause
23 substantial risk of injury to the health of the
24 disabled person, or that the person is the mother of a
25 breastfed child and is responsible for the daily care
26 of the child. However, if the person is regularly
27 employed at a location other than the person's
28 household, the person shall not be excused under this
29 section.

30 Sec. 23. 1993 Iowa Acts, chapter 171, section 11,
31 subsection 4, is amended to read as follows:

32 4. The task force shall submit the plan to the
33 governor and the general assembly on or before June
34 ~~30~~-1994 January 15, 1995.

35 Sec. 24. EFFECTIVE DATES.

36 1. Section 1, subsections 3 and 4, of this Act,
37 relating to Iowa competition law or antitrust actions
38 and to civil consumer fraud actions, being deemed of
39 immediate importance, take effect upon enactment.

40 2. Section 14 of this Act, pertaining to the
41 nonreversion, transfer, and distribution of certain
42 moneys recovered by a court-appointed receiver, being
43 deemed of immediate importance, takes effect upon
44 enactment.

45 3. Section 15 of this Act, pertaining to the
46 encumbrance of certain moneys appropriated to the
47 department of corrections in the fiscal year
48 commencing July 1, 1993, being deemed of immediate
49 importance, takes effect upon enactment.

50 4. Section 23 of this Act, relating to the date

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1 for submission of a plan by the intermediate criminal
2 sanctions task force, being deemed of immediate
3 importance, takes effect upon enactment."

RECEIVED FROM THE SENATE

H-6169 FILED APRIL 14, 1994

House Concurred

4-14-94 (P 1670) HOUSE FILE 2350

H-6193

1 Amend the Senate amendment, H-6169, to House File
2 2350, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 8, by inserting after line 31 the
5 following:
6 "_____. The department of corrections shall issue a
7 request for proposals for the construction of
8 additional medium security correctional beds for men,
9 to be located at the Newton correctional facility,
10 which would only be constructed if the proposal is
11 accepted. The department of corrections shall include
12 specifications concerning the number of correctional
13 beds in the request for proposals and issue the
14 request for proposals in such a manner that responses
15 are due and shall be included in a report submitted by
16 the department to the general assembly on or before
17 January 9, 1995. The department of corrections shall
18 not accept a proposal received in accordance with this
19 subsection without specific authorization through the
20 enactment of legislation to fund the proposal by the
21 Seventy-sixth General Assembly or a subsequent general
22 assembly."
23 2. By renumbering and correcting internal
24 references as necessary.

By BLACK of Jasper
BELL of Jasper

H-6193 FILED APRIL 14, 1994

Adopted 4-14-94

(P. 1670) HOUSE FILE 2350

H-6198

1 Amend the Senate amendment, H-6169, to House File
2 2350, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 8, line 31, by inserting after the word
5 "facility." the following: "If the construction is
6 financed utilizing either of the financing methods
7 specified in section 19, subsection 2, paragraph "b"
8 or "c", then the maximum cost, not including interest
9 expense, shall not exceed \$22,000,000."
10 2. Page 25, lines 32 and 33, by striking the
11 words "in amounts and".

By VANDE HOEF of Osceola

H-6198 FILED APRIL 14, 1994

Adopted

4/14/94

(P. 1669)

HOUSE FILE 2350

H-6202

1 Amend the Senate amendment, H-6169, to House File
2 2350, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by striking lines 3 and 4 and
5 inserting the following:

6 "____. By striking page 1, line 1 through page 11,
7 line 13 and inserting the following:"

8 2. Page 8, by inserting after line 31 the
9 following:

10 "____. By striking page 12, line 17 through page
11 28, line 27 and inserting the following:"

12 3. By renumbering and correcting internal
13 references as necessary.

By HALVORSON of Webster

H-6202 FILED APRIL 14, 1994

*Lost 4/14/94
(p 1669)*

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2350

S-5656

1 Amend the Senate amendment, H-6169, to House File
2 2350, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 8, line 31, by inserting after the word
5 "facility." the following: "If the construction is
6 financed utilizing either of the financing methods
7 specified in section 19, subsection 2, paragraph "b"
8 or "c", then the maximum cost, not including interest
9 expense, shall not exceed \$22,000,000."

10 2. Page 8, by inserting after line 31 the
11 following:

12 "_____. The department of corrections shall issue a
13 request for proposals for the construction of
14 additional medium security correctional beds for men,
15 to be located at the Newton correctional facility,
16 which would only be constructed if the proposal is
17 accepted. The department of corrections shall include
18 specifications concerning the number of correctional
19 beds in the request for proposals and issue the
20 request for proposals in such a manner that responses
21 are due and shall be included in a report submitted by
22 the department to the general assembly on or before
23 January 9, 1995. The department of corrections shall
24 not accept a proposal received in accordance with this
25 subsection without specific authorization through the
26 enactment of legislation to fund the proposal by the
27 Seventy-sixth General Assembly or a subsequent general
28 assembly."

29 3. Page 25, lines 32 and 33, by striking the
30 words "in amounts and".

31 4. By renumbering, relettering, or redesignating
32 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5656 FILED APRIL 15, 1994
CONCURRED

HOUSE FILE 2350

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE JUSTICE SYSTEM FOR THE FISCAL YEAR BEGINNING JULY 1, 1994, AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	4,752,448
.....	FTEs	169.00

2. Prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	113,326
.....	FTEs	4.00

a. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the attorney general shall provide up to

\$41,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the prosecuting attorney training program, the prosecuting intern program, or both. Counties participating in the prosecuting intern program shall match the state funds.

b. In addition to the funds appropriated in this subsection for the fiscal year beginning July 1, 1994, and ending June 30, 1995, and the moneys retained by the attorney general pursuant to paragraph "a", the attorney general shall provide up to \$10,000 in state matching funds from moneys retained by the attorney general from property forfeited pursuant to section 809.13, for the office of the prosecuting attorneys training coordinator to use for continuation of the domestic violence response enhancement program established in accordance with 1992 Iowa Acts, chapter 1240, section 1, subsection 2, paragraph "b".

c. The prosecuting attorneys training coordinator shall cooperate and consult with the judicial department, as otherwise provided in this Act, to provide for the education and training of prosecuting attorneys, as defined in section 13A.1, in implementing the recommendations of the equality in the courts task force.

d. The prosecuting attorneys training program shall use a portion of the funds appropriated in this subsection for educating and training prosecuting attorneys, as defined in section 13A.1, in alternative dispute resolution techniques.

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1994, and ending June 30, 1995, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to either the expenditures from damages awarded to the state or a political

subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the funds received as a result of these judgments are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 1994, and ending June 30, 1995, an amount not exceeding \$125,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The expenditure of the funds appropriated in this subsection is contingent upon receipt by the general fund of the state of an amount at least equal to the expenditures from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$200,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:
..... \$ 1,359,812
a. The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.
b. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation made pursuant to this subsection shall not revert to the general fund of the state but shall be available for expenditure during the subsequent

fiscal year for the same purpose, and shall not be transferred to any other program.

6. For the GASA prosecuting attorney program and for not more than the following full-time equivalent positions:
..... \$ 102,927
..... PTEs 3.00

7. The balance of the victim compensation fund established under section 912.14 may be used to provide salary and support of not more than 9.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

9. a. The department of justice, in submitting budget estimates pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include, but are not limited to, reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall report actual reimbursements for the fiscal year commencing July 1, 1993, and actual and expected reimbursements for the fiscal year commencing July 1, 1994.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually

received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau. The department of justice shall submit the report on or before January 15, 1995.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,040,396
.....	FTEs	32.00

Sec. 3. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, including maintenance of an automated docket and the board's automated risk assessment model, employment of two statistical research analysts to assist with the application of the risk assessment model in the parole decision-making process, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	778,747
.....	FTEs	17.00

1. The board of parole shall require the board's administrative staff to be cross-trained to assure that each individual on that staff is familiar with all tasks performed by the staff.

2. The department of corrections and the board of parole shall review, and implement as necessary, the findings and recommendations contained in the final report prepared by the consultant and presented to the corrections system review task force which was established by 1988 Iowa Acts, chapter 1271, as they relate to the department of corrections and the board of parole. The board shall submit a report to the co-chairpersons of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before January 16, 1995, detailing steps taken to implement any of the recommendations, and for those recommendations which have not been implemented, specifying the reasons for failing to implement the recommendations. The report shall include, but is not limited to, copies of all reports submitted to the legislative fiscal bureau pursuant to section 906.5, subsection 2, for the fiscal year commencing July 1, 1994, as well as details pertaining to other steps taken to implement the recommendations contained in the fiscal report prepared by the consultant for the corrections system review task force pertaining to the early parole of nonviolent property offenders.

3. The board of parole shall conduct a study of the parole process to identify and eliminate bias in the parole system based upon race, creed, color, sex, national origin, religion, or disability. The board of parole shall report its findings and recommendations to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before January 15, 1995.

Sec. 4. DEPARTMENT OF CORRECTIONS -- FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of 310 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 24,705,497
..... FTEs 490.50

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of 211 correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 18,498,730
..... FTEs 356.25

Moneys are provided within this appropriation for 2 full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, employment of 159 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 15,478,173
..... FTEs 320.80

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, employment of 44 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 5,293,526
..... FTEs 110.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of 141 correctional officers and a full-time chaplain to

provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 13,219,851
..... FTEs 258.92

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, employment of 58 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 5,341,798
..... FTEs 112.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, employment of 68 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 6,308,034
..... FTEs 136.20

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, employment of 71.50 correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 6,081,317
..... FTEs 133.00

The department of corrections shall analyze and compare policies and guidelines concerning inmates at the correctional facilities, and shall propose revisions to the general assembly as necessary to ensure that male and female inmates have comparable opportunities for education, vocational education, and treatment at the state correctional facilities. Where legislative action is not necessary to ensure comparable opportunities, the department shall take administrative action to implement the policies or guidelines needed to accomplish the comparable opportunities mandated by this paragraph. The department shall report the progress on the analysis and

comparison of the policies and guidelines, and any changes made, to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau on or before December 15, 1994.

2. The department of corrections shall provide a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the joint appropriations subcommittee on education, the chairpersons and ranking members of the senate and house standing committees on education, and the legislative fiscal bureau on or before January 15, 1995, outlining the implementation of the centralized education program for the correctional system. The report shall include a listing of the educational institutions that are involved, the amount of any federal funds received for use with these programs, and any other pertinent information.

3. If the inmate tort claim fund for inmate claims of less than \$50 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee's recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 669 for inmate tort claims of less than \$50.

4. The department of corrections shall submit a plan to the general assembly prior to January 1, 1995, to establish in the institutions a mandatory literacy requirement for all inmates. The plan shall include the following:

- a. Statistics indicating the current reading and education levels of the average inmate.
- b. The funding and number of years necessary for implementation.
- c. The feasibility of mandating participation and the need for exemptions.
- d. The availability of sanctions and incentives.
- e. The special education services for inmates under the age of twenty-one.
- f. The continuation of educational programming after release.

5. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, board of parole, division of criminal and juvenile justice planning of the department of human rights, and any other applicable state agencies, shall provide a report detailing the steps taken to implement the reports of the consultants retained by the corrections system review task force established by 1988 Iowa Acts, chapter 1271, section 14. The department shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1995.

6. In accordance with the financing methods specified in the plan for financing of additional correctional beds at correctional facilities and community-based correctional facilities provided in this Act, the department of corrections shall construct a 750-bed, medium security correctional facility for men, to be located at or near the Clarinda correctional facility. If the construction is financed utilizing either of the financing methods specified in section

19, subsection 2, paragraph "b" or "c", then the maximum cost, not including interest expense, shall not exceed \$22,000,000.

7. The department of corrections shall issue a request for proposals for the construction of additional medium security correctional beds for men, to be located at the Newton correctional facility, which would only be constructed if the proposal is accepted. The department of corrections shall include specifications concerning the number of correctional beds in the request for proposals and issue the request for proposals in such a manner that responses are due and shall be included in a report submitted by the department to the general assembly on or before January 9, 1995. The department of corrections shall not accept a proposal received in accordance with this subsection without specific authorization through the enactment of legislation to fund the proposal by the Seventy-sixth General Assembly or a subsequent general assembly.

Sec. 5. DEPARTMENT OF CORRECTIONS -- ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

- 1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 2,223,408
..... FTEs 38.52

The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department's decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

2. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

..... \$ 237,038

3. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:
..... \$ 341,334

The department of corrections shall use funds appropriated by this subsection to continue to contract for the services of a Muslim imam.

4. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:
..... \$ 381,095
..... FTEs 7.16

5. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1989 Iowa Acts, chapter 316, section 7, subsection 6:
..... \$ 625,860

6. For annual payment relating to the financial arrangement for the construction of expansion in prison capacity as provided in 1990 Iowa Acts, chapter 1257, section 24:
..... \$ 3,186,995

Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 6,226,704

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "a", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "a".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,791,293

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "b".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,114,437

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "c", and the intensive supervision program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 3, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 2,316,208

(1) The district department shall continue the sex offender treatment program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "d".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 8,401,666

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "e", and shall continue to provide for the rental of electronic monitoring equipment.

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 6,279,190

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "f", and the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "f".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

(3) The district department shall continue the implementation of a plan providing for the expanded use of intermediate criminal sanctions, as provided in 1993 Iowa Acts, chapter 171, section 6, subsection 1, paragraph "f", subparagraph (3).

(4) Of the funds appropriated in this paragraph, the district department shall use not more than \$40,000, to provide for financial arrangements, including entering a lease-purchase agreement, for the relocation of the Cedar Rapids community corrections center.

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,229,668

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "g", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "g".

(2) The district department shall continue the job development program established within the district in 1990 Iowa Acts, chapter 1268, section 6, subsection 7, paragraph "e".

(3) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,627,205

(1) The district department shall continue the intensive supervision program established within the district in 1988 Iowa Acts, chapter 1271, section 6, subsection 1, paragraph "h", and shall continue the sex offender treatment program established within the district in 1989 Iowa Acts, chapter 316, section 8, subsection 1, paragraph "h".

(2) The district department, in cooperation with the chief judge of the judicial district, shall continue the implementation of a plan to divert low-risk offenders to the least restrictive sanction available.

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 85,817

2. The department of corrections shall continue the OWI facilities established in 1986 Iowa Acts, chapter 1246, section 402, in compliance with the conditions specified in that section.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The first, sixth, and eighth judicial district departments of correctional services and the department of corrections shall continue the job training and development grant programs established in 1989 Iowa Acts, chapter 316, section 7, subsection 2.

6. The department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

7. The governor's alliance on substance abuse shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

8. Each judicial district department of correctional services shall provide a report concerning the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program,

to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1995.

9. It is the intent of the general assembly that each judicial district department of correctional services shall operate the community-based correctional facilities in a manner which provides for a residential population of at least 110 percent of the design capacity of the facility.

Sec. 7. JUDICIAL DEPARTMENT. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. for salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, trial court supervisors, trial court technicians II, financial supervisors I and II, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 1994, and maintenance, equipment, and miscellaneous purposes:

..... \$ 81,470,924

a. The judicial department, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

b. The judicial department shall submit monthly financial statements to the legislative fiscal bureau and the department

of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

c. It is the intent of the general assembly that counties installing new telephone systems shall provide those systems to all judicial department offices within the county at no cost.

d. Of the funds appropriated in this subsection, not more than \$1,897,728 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.

e. The judicial department shall use not more than \$150,000 of the funds appropriated in this subsection for educational purposes in implementing the recommendations of the equality in the courts task force. The judicial department, in cooperation and consultation with the prosecuting attorneys training coordinator, shall use the funds so appropriated for the education and training of employees of the judicial department and prosecuting attorneys, as defined in section 13A.1.

f. Of the funds appropriated in this subsection, the judicial department shall use not more than \$35,000 to reestablish the court appointed special advocate program in Woodbury county.

g. Of the funds appropriated pursuant to this subsection, the judicial department shall use not more than \$1,115,000 for increasing the existing capacity of the Iowa court information system by extending the system into additional counties and for the development of a computer software program to allow state agencies to gain access to data in the Iowa court information system. However, the funds shall not be used to

expand the applications of the system for purposes other than those for which the system is currently used, and the judicial department shall focus efforts in utilizing the funds referred to in this paragraph upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts. Of the funds specified in this paragraph, the judicial department shall use not more than \$20,000 for the development of a computer software program to allow state agencies to gain access to data in the Iowa court information system. The judicial department shall investigate the most efficient way to complete the expansion of the department's entire communication and information management system, and include this information in a report to be submitted to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1995.

h. It is the intent of the general assembly that the offices of the clerks of the district court operate in all ninety-nine counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

i. The judicial department shall report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system by February 1, 1995, concerning an evaluation of the needs of the court system, particularly resources necessary to meet the increasing demands on the courts. The report shall also identify legislative changes which would reduce or alleviate the workload of the courts.

j. The judicial department shall use a portion of the funds appropriated in this subsection for educating and training the appropriate court personnel in alternative dispute resolution techniques.

2. For the juvenile victim restitution program:
..... \$ 131,663

Sec. 8. IOWA COURT INFORMATION SYSTEM. There is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the Iowa court information system:
..... \$ 857,500

1. The judicial department shall not change the appropriations from the amounts appropriated in this section, unless notice of the revisions is given prior to their effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the changes and details concerning the work load and performance measures upon which the changes are based.

2. The judicial department shall provide a report semiannually to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system. The report shall demonstrate and specify how the Iowa court information system is used to improve the collection process. The report shall also compare fines, surcharges, and court costs collected in selected counties which are using an automated system versus the amounts collected in at least three counties which are not using an automated system.

Sec. 9. JUDICIAL RETIREMENT FUND. There is appropriated from the general fund of the state to the judicial retirement fund for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state's contribution to the judicial retirement fund established in section 602.9104, in the amount of 23.7 percent of the basic salaries of the judges covered under chapter 602, article 9:

..... \$ 3,150,915

If House File 2418 or Senate File 2251 is not enacted by the Seventy-fifth General Assembly, 1994 Regular Session, in a manner which enacts a new section 602.9104A or other provision to prohibit the deposit of certain court revenues in the judicial retirement fund, then the appropriation provided in this section is reduced by \$2,019,682. If Senate File 413 is not enacted by the Seventy-fifth General Assembly, 1994 Regular Session, in a manner which provides for an increase in certain court costs, fees, fines, penalties, surcharges, forfeited bail, or similar charges collected by the court and the ultimate deposit of at least some of the increase in the general fund of the state, then the appropriation in this section is reduced by \$752,000. If both of the contingencies specified in this paragraph occur, the appropriation provided in this section is reduced by \$2,771,682. The judicial department shall file a report with the legislative fiscal bureau for each quarter of the fiscal year commencing July 1, 1994, detailing any additional amounts deposited in the general fund of the state as a result of the provisions of Senate File 413, if enacted.

Sec. 10. COURT TECHNOLOGY AND MODERNIZATION. If Senate File 413 or similar legislation is not enacted by the Seventy-fifth General Assembly, second regular session, in a manner which establishes a court technology and modernization fund as a separate fund in the state treasury, with an allocation of \$1,000,000 of court revenues to the fund, then there is appropriated from the general fund of the state to the judicial department for the fiscal year beginning July 1, 1994, and ending June 30, 1995, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For modernization and enhancement of court technology:
..... \$ 1,000,000

1. The judicial department shall use not more than \$800,000 of the moneys, if appropriated pursuant to this section, to enhance the ability of the judicial department to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. The moneys specified in this subsection shall not be used for the Iowa court information system.

2. The judicial department shall use not more than \$200,000 of the moneys, if appropriated pursuant to this section, in equal amounts to facilitate alternative dispute resolution and methods to resolve domestic abuse cases, which may include personnel for hearings under section 236.4.

Sec. 11. AUTOMATED DATA SYSTEM. The department of corrections, judicial district departments of correctional services, board of parole, and the judicial department shall continue to develop an automated data system for use in the sharing of information between the department of corrections, judicial district departments of correctional services, board of parole, and the judicial department. The information to be shared shall concern any individual who may, as the result of an arrest or infraction of any law, be subject to the jurisdiction of the department of corrections, judicial district departments of correctional services, or board of parole. The department of corrections, in consultation and cooperation with the judicial district departments of correctional services, the board of parole, and the judicial department, shall provide a report concerning the development of the automated data system to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1995.

Sec. 12. PLACEMENTS FOR ELDERLY, MENTALLY ILL, MENTALLY RETARDED, OR INFIRM INMATES. The department of corrections,

board of parole, Iowa department of public health, department of human services, department of elder affairs, and department of inspections and appeals shall cooperate in developing community-based placements for elderly, mentally ill, mentally retarded, or infirm inmates who, by nature of their medical and criminal histories, are deemed to be low-risk for committing future public offenses. Community-based placements may include, but are not limited to, county care facilities, retirement homes, or veterans homes. The departments shall consider the potential for these community-based placement facilities to obtain federal funds for providing services to these inmates. The department of corrections shall develop a parole plan for these inmates once a community-based placement has been developed. The department of corrections shall identify those inmates who are ineligible for parole in the near future, but who would otherwise qualify for community-based placements under this section, and shall issue a request for proposals on or before November 1, 1994, from private institutions which would be able to accept transfers of such inmates in accordance with section 904.503. In preparing the request for proposals, the department shall include relevant information concerning the availability of funding sources to assist in the payment of services for such inmates. The department of corrections shall provide a report concerning the activities of developing community-based placements for elderly or infirm inmates to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1995.

Sec. 13. CORRECTIONAL INSTITUTIONS -- VOCATIONAL TRAINING. The state prison industries board and the department of corrections shall continue the implementation of a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102, as provided in 1993 Iowa Acts, chapter 171, section 12. The plan

shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries. The department of corrections shall provide a report concerning the implementation of the plan to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 1995.

Sec. 14. MONEYS RECOVERED THROUGH COURT-APPOINTED RECEIVER -
- NONREVERSION -- USES OF FUNDS.

1. As used in this section, unless the context otherwise requires, "recovered funds" means moneys which were appropriated to the department of corrections in previous fiscal years for the purposes of the judicial district departments of correctional services, which have been recovered in the fiscal year commencing July 1, 1993, as a result of the actions of the court-appointed receiver in litigation pertaining to the Iowa trust matter, and which would otherwise be deposited in the general fund of the state.

2. Notwithstanding any other provision of law to the contrary, recovered funds shall not revert to the general fund of the state at the end of the fiscal year commencing July 1, 1993, but shall be available to and transferred by the department of corrections, in the manner and in the amounts specified in subsection 3. Recovered funds shall be deemed dedicated to the purposes specified in this section, rather than the original purposes for which the moneys were appropriated.

3. Notwithstanding any other provision of law to the contrary, the department of corrections shall transfer and remit recovered funds as follows:

a. The department of corrections shall make available \$150,000 of the recovered funds to the first judicial district department of correctional services, for use in the fiscal year commencing July 1, 1994, to pay for the construction of 8

additional community-based corrections residential beds at the West Union community-based correctional facility.

b. The department of corrections shall transfer \$148,500 to the second judicial district department of correctional services, for use in the fiscal year commencing July 1, 1994, to make the financial arrangements necessary to relocate the Marshalltown community-based correctional facility, and to increase the number of community-based corrections residential beds at the relocated facility, from the current 24 residential beds to 40 residential beds. The second judicial district department of correctional services shall use the recovered funds transferred by this paragraph to pay the initial costs connected with the relocation and construction project, including but not limited to, architectural fees, costs associated with obtaining lease-purchase financing, and additional equipment needs.

c. The department of corrections shall remit the additional recovered funds not otherwise transferred or made available in this subsection to the treasurer of state, the recovered funds shall be available to the judicial department, and the treasurer of state shall transfer and distribute the recovered funds to the judicial department for use in the fiscal year commencing July 1, 1994. The judicial department shall use the recovered funds for the purposes specified, and subject to the limitations enumerated, in section 7, subsection 1 of this Act, and the amounts available to the judicial department through the use of recovered funds shall be in addition to any moneys otherwise appropriated in this Act.

4. The department of corrections, the first and second judicial district departments of correctional services, and the judicial department shall use recovered funds for the purposes specified in this section in the fiscal year commencing July 1, 1994, and any funds which are unexpended at the end of the fiscal year commencing July 1, 1994, shall revert to the general fund of the state.

Sec. 15. APPROPRIATIONS TO THE DEPARTMENT OF CORRECTIONS -
- MONEYS ENCUMBERED -- PRIORITIES.

1. Notwithstanding any other provision of law to the contrary, moneys appropriated to the department of corrections pursuant to 1993 Iowa Acts, chapter 171, sections 4, 5, and 6, shall be considered encumbered pursuant to section 8.33, and shall not revert to the general fund of the state at the end of the fiscal year commencing July 1, 1993. As used in this section, unless the context otherwise requires, "encumbered funds" means the moneys appropriated to the department of corrections pursuant to 1993 Iowa Acts, chapter 171, sections 4, 5, and 6, which would otherwise revert to the general fund of the state after the end of the fiscal year in which the moneys were appropriated, but for the prohibition contained in this section.

2. The department of corrections shall use encumbered funds in the fiscal year commencing July 1, 1994, to fund up to an additional 50 FTEs for the employment of correctional officers in the correctional institutions specified in section 904.102, and to purchase critically needed safety equipment, including but not limited to radios, emergency notification equipment, surveillance cameras, and other necessary surveillance and emergency response equipment, for use in correctional institutions. The FTEs provided in this section for the employment of correctional officers and the funding provided for the purchase of equipment are in addition to any FTEs or equipment funded in section 4 of this Act. The department of corrections shall use its discretion in distributing the additional correctional officers and equipment throughout the correctional facilities. The department of corrections shall file a report with the department of management concerning correctional officer positions filled and critically needed safety equipment purchased from encumbered funds provided under this section. If the department is able to fund an additional 50 FTEs for

the employment of correctional officers pursuant to this section and to purchase all critically needed safety equipment, any remaining funds shall be unencumbered and shall revert to the general fund of the state at the end of the fiscal year commencing July 1, 1994.

Sec. 16. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive departments, agencies, boards, bureaus, and commissions, the judicial department, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries.

Sec. 17. INDIGENT DEFENSE COSTS. The supreme court shall submit a written report for the preceding fiscal year no later than January 1 of each year indicating the amounts collected pursuant to section 815.9A, relating to recovery of indigent defense costs. The report shall include the total amount collected by all courts, as well as the amounts collected by each judicial district. The supreme court shall also submit a written report quarterly indicating the number of criminal and juvenile filings which occur in each judicial district for purposes of estimating indigent defense costs. A copy of each report shall be provided to the public defender, the department of management, and the legislative fiscal bureau.

Sec. 18. SENTENCING STUDY. The legislative council is requested to establish an interim study committee to review current criminal penalties and sentencing practices, including but not limited to the effects of mandatory minimum penalties on sentencing practices and the effects of sentencing

practices on inmate populations at state and adult and residential community-based correctional facilities. The committee shall also conduct a comparative assessment of the relative penalties imposed for various crimes based not only on the threat posed by the prohibited criminal conduct, but also by the risk generally associated with particular criminal offenders.

Sec. 19. PLAN FOR FINANCING OF ADDITIONAL CORRECTIONAL BEDS AT CORRECTIONAL FACILITIES AND COMMUNITY-BASED CORRECTIONAL FACILITIES.

1. Except for those projects authorized in the section of this Act utilizing moneys recovered through the court-appointed receiver in the Iowa trust matter for construction of additional community-based residential beds in the first and second judicial district departments of correctional services and those projects for which at least partial funding is appropriated in this Act for the fiscal year beginning July 1, 1994, the department of corrections shall not proceed with any plans for the construction or lease of additional correctional beds at correctional facilities and community-based corrections residential facilities unless the beds are financed in accordance with this section. If the general assembly authorizes the construction or lease of additional correctional beds pursuant to this Act, such action shall constitute a declaration by the general assembly that additional correctional beds and the financing specified in this section serve the public purpose and are essential governmental functions that promote the general welfare of the citizens of the state of Iowa.

2. Pursuant to the guidelines established in this subsection, the treasurer of state shall determine which of the financing methods specified in this subsection shall be used for funding any additional correctional beds authorized pursuant to this Act.

a. If the treasurer of state determines that bonds can be issued in accordance with sections 16.177 and 602.8108A, then the bonding method specified in those sections shall be used to fund any additional correctional beds provided in this Act.

b. If the treasurer of state determines that bonds cannot be issued in accordance with sections 16.177 and 602.8108A, then the treasurer of state shall inform the department of corrections in writing that bonds shall not be issued, and the department of corrections shall proceed in accordance with this paragraph. If the general assembly authorizes additional correctional beds pursuant to this Act, and the treasurer of state informs the department of corrections that bonds cannot be issued, the department of corrections shall enter into financial arrangements with the department of general services pursuant to section 18.12 to fund the construction of any additional correctional beds authorized in this Act, with an initial payment under the financial arrangements that is not due until on or after July 1, 1995.

c. (1) If a separate provision of this Act authorizes the construction of a 750-bed, medium security correctional facility for men, to be located at or near the Clarinda correctional facility, the treasurer of state shall, within thirty days of the enactment of this Act, analyze whether the financing method specified in paragraph "a" or "b" of this subsection provides for financing the project in a manner which is less expensive to the state than the method specified in subparagraph (2) of this paragraph. The treasurer of state shall report the findings of the analysis to the department of corrections. If the manner specified in paragraph "a" or "b" is found by the treasurer of state to be less expensive and a separate provision of this Act authorizes the construction, the construction shall be financed as provided in paragraph "a" or "b". However, if the construction financing is less expensive pursuant to subparagraph (2) of this paragraph and a separate provision of this Act authorizes the construction,

the construction shall proceed in the manner specified in subparagraph (2).

(2) If a separate provision of this Act authorizes the construction of a 750-bed, medium security correctional facility for men, to be located at or near the Clarinda correctional facility, and the treasurer of state determines pursuant to subparagraph (1) that financing is less expensive pursuant to this subparagraph, then notwithstanding any other provision of law to the contrary or any provision providing for an alternative or independent method of establishing a correctional facility, the department of corrections may establish a correctional facility pursuant to this subparagraph and the separate provision of this Act authorizing the construction. The department of human services may lease unimproved real property located near the state mental health institute at Clarinda to a person or entity that is leasing the property for the purpose of constructing a 750-bed, medium security correctional facility. The department of corrections may enter into a lease or lease-purchase agreement, to lease the newly constructed correctional facility from the person or entity leasing the real property from the department of human services. Notwithstanding any other provision of law to the contrary, a party to a lease or lease-purchase agreement entered into pursuant to this subparagraph shall not be required to publish any notice or proceed with any other or further proceedings with respect to the lease or lease-purchase agreement, except as otherwise provided in this subparagraph. Any lease entered into in accordance with this subparagraph shall specify the duration of the lease and any possible extensions, as well as whether a purchase option is included. The department of corrections may enter into a lease agreement pursuant to this subparagraph for an original term of one year, or for an original term of a different duration. However, if the original term is for one year, the lease agreement shall

provide automatic one-year extensions of the term, and such automatic extensions shall occur unless legislation is enacted prior to the expiration of the original term or the applicable extension which directs the department of corrections to terminate the lease.

3. If a provision of this Act provides for the construction or lease of additional correctional beds located at or near the Clarinda correctional facility or the state mental health institute at Clarinda, with financing provided as specified in subsection 2, paragraph "a" or "b" of this section, the treasurer of state and the auditor of state, in cooperation and consultation with each other, shall review the development costs incurred by Clarinda Heartland, Inc., and determine which development costs are necessary and appropriate. Those development costs approved by the treasurer of state and the auditor of state shall be paid through the financing method authorized pursuant to subsection 2, paragraph "a" or "b" of this section. However, costs associated with lobbying on behalf of Clarinda Heartland, Inc. shall not be authorized for payment through the financing method authorized pursuant to subsection 2, paragraph "a" or "b" of this section.

Sec. 20. NEW SECTION. 16.177 PRISON INFRASTRUCTURE REVENUE BONDS.

1. The authority is authorized to issue its bonds to provide prison infrastructure financing as provided in this section. The bonds may only be issued to finance projects which have been approved for financing by the general assembly. Bonds may be issued in order to fund the construction and equipping of a project or projects, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds and other expenditures incident to or necessary or convenient to carry out the bond issue. The bonds are investment securities and negotiable instruments within the

meaning of and for the purposes of the uniform commercial code.

2. The department of corrections is authorized to pledge amounts in the Iowa prison infrastructure fund established under section 602.8108A as security for the payment of the principal of, premium, if any, and interest on the bonds. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents, and are not an indebtedness of this state or the authority, or a charge against the general credit or general fund of the state or the authority, and the state shall not be liable for the bonds except from amounts on deposit in the fund. Bonds issued under this section shall contain a statement that the bonds do not constitute an indebtedness of the state or the authority.

3. The proceeds of bonds issued by the authority and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested in any investment approved by the authority and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued without regard to any limitation otherwise provided by law.

4. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the authority. Chapters 73A, 74, 74A, and 75 do not apply to their sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state, political subdivisions of this state, insurance companies and associations and other persons carrying on an insurance business, banks, trust companies, savings associations, savings and loan associations, and investment companies, administrators, guardians, executors, trustees, and other fiduciaries, and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the authority. However, a trust indenture, resolution, or other instrument authorizing the issuance of bonds may delegate to an officer of the issuer the power to negotiate and fix the details of an issue of bonds.

7. Neither the resolution or trust agreement, nor any other instrument by which a pledge is created is required to be recorded or filed under the uniform commercial code to be valid, binding, or effective.

8. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

9. The authority shall cooperate with the department of corrections in the implementation of this section.

10. Notwithstanding any other provision of law to the contrary, competitive bidding shall not be required for the construction of facilities financed by bonds issued pursuant to this section.

Sec. 21. NEW SECTION. 602.8108A PRISON INFRASTRUCTURE FUND.

1. The Iowa prison infrastructure fund is created and established as a separate and distinct fund in the state treasury. Notwithstanding any other provision of this chapter to the contrary, the first four million dollars of moneys remitted to the treasurer of state from fines, fees, costs, and forfeited bail collected by the clerks of the district court in criminal cases, including those collected for both scheduled and nonscheduled violations, collected in each fiscal year commencing with the fiscal year beginning July 1, 1995, shall be deposited in the fund. Interest and other income earned by the fund shall be deposited in the fund. If the treasurer of state determines pursuant to this Act that bonds can be issued pursuant to this section and section 16.177, then the moneys in the fund are appropriated to and for the purpose of paying the principal of, premium, if any, and interest on bonds issued by the Iowa finance authority under section 16.177. Except as otherwise provided in subsection 2, amounts in the funds shall not be subject to appropriation for any purpose by the general assembly, but shall be used only for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the department of corrections including the automatic disbursement of funds pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund subject to any limitations contained in any applicable bond proceedings. Any amounts remaining in the fund at the end of each fiscal year shall be transferred to the general fund.

2. If the treasurer of state determines that bonds cannot be issued pursuant to this section and section 16.177, the treasurer of state shall deposit the moneys in the prison infrastructure fund into the general fund of the state.

Sec. 22. Section 607A.5, Code 1993, is amended to read as follows:

607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

A person shall be excused from jury service if the person submits written documentation verifying, to the court's satisfaction, that the person is solely responsible for the daily care of a permanently disabled person living in the person's household and that the performance of juror service would cause substantial risk of injury to the health of the disabled person, or that the person is the mother of a breastfed child and is responsible for the daily care of the child. However, if the person is regularly employed at a location other than the person's household, the person shall not be excused under this section.

Sec. 23. 1993 Iowa Acts, chapter 171, section 11, subsection 4, is amended to read as follows:

4. The task force shall submit the plan to the governor and the general assembly on or before ~~June 30, 1994~~ January 15, 1995.

Sec. 24. EFFECTIVE DATES.

1. Section 1, subsections 3 and 4, of this Act, relating to Iowa competition law or antitrust actions and to civil consumer fraud actions, being deemed of immediate importance, take effect upon enactment.

2. Section 14 of this Act, pertaining to the nonreversion, transfer, and distribution of certain moneys recovered by a court-appointed receiver, being deemed of immediate importance, takes effect upon enactment.

3. Section 15 of this Act, pertaining to the encumbrance of certain moneys appropriated to the department of corrections in the fiscal year commencing July 1, 1993, being deemed of immediate importance, takes effect upon enactment.

4. Section 23 of this Act, relating to the date for submission of a plan by the intermediate criminal sanctions task force, being deemed of immediate importance, takes effect upon enactment.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2350, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 12, 1994

TERRY E. BRANSTAD
Governor